



**BOARD OF DIRECTORS**  
*Luis Avila, President*  
*Becky Campo, Vice-President*  
*Timothy Benefield, Secretary*  
*Anne Stokman, RN, Treasurer*  
*(Vacant), Director*

PO Box 187, Patterson, CA 95363  
Phone (209) 892-8781 Fax (209) 892-3755

## **BOARD OF DIRECTORS SPECIAL MEETING**

**Thursday, August 17, 2023 @ 6:00 pm**

Del Puerto Health Center, 1700 Keystone Pacific Parkway, Ste B, North Conference Room

**PUBLIC COMMENT PERIOD:** Matters under the jurisdiction of the Board and not on the posted agenda may be addressed by the general public at the beginning of the regular agenda. If you wish to speak on an item on the agenda, you are welcome to do so during consideration of the agenda item itself. If you wish to speak on a matter that does not appear on the agenda, you may do so during the Public Comment period; however, California law prohibits the Board from acting on any matter which is not on the posted agenda unless it is determined to be an emergency by the Board of Directors. Persons speaking during the Public Comment will be limited to five minutes. Depending on the number of persons wishing to speak, speaking time may be reduced to allow all public members to address the Board. Public comments must be addressed to the board through the President. Comments to individuals or staff are not permitted.

**CONSENT CALENDAR:** These matters include routine financial and administrative actions and are identified with an asterisk (\*). All items on the consent calendar will be voted on as a single action at the beginning of the meeting under the section titled "Consent Calendar" without discussion. If you wish to discuss an item on the Consent Calendar, please notify the Clerk of the Board prior to the beginning of the meeting or you may speak about the item during Public Comment Period.

**REGULAR CALENDAR:** These items will be individually discussed and include all items not on the consent calendar, all public hearings, and correspondence.

**CLOSED SESSION:** Is the portion of the meeting conducted in private without the attendance of the public or press to discuss certain confidential matters specifically permitted by the Brown Act. The public will be provided an opportunity to comment on any matter to be considered in closed session prior to the Board adjourning into closed session.

**ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA:** Please raise your hand or step to the podium at the time the Board President announces the item. In order that interested parties have an opportunity to speak, any person addressing the Board will be limited to a maximum of 5 minutes unless the President of the Board grants a longer period.

**BOARD AGENDAS AND MINUTES:** Board agendas and minutes are typically posted on the Internet on Friday afternoons preceding a Monday meeting at the following website: <https://dphealth.specialdistrict.org/board-meetings>.

Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District office at 875 E Street, Patterson, CA during normal business hours. Such documents are also available online, subject to staff's ability to post the documents before the meeting, at the following website <https://dphealth.specialdistrict.org/board-meetings>.

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** Board of Director meetings are conducted in English and translation to other languages is not provided. Please arrange for an interpreter, if necessary.

**REASONABLE ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (209) 892-8781. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

Cell phones must be silenced or set in a mode to not disturb District business during the meeting.

**DEL PUERTO HEALTH CARE DISTRICT**  
**Board of Directors Special Meeting**  
 Thursday, August 17, 2023 @ 6:00 pm

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Board of Directors Roll Call**
4. **Reading the Vision, Mission, and Value Statements**  
*Vision: "A locally cultivated, healthier community."*  
*Mission: "To provide, promote, and partner in quality healthcare for all."*  
*Values: "Compassion – Commitment – Excellence"*
5. **Public Comment Period** *[Members of the public may address the Board on any issues on the Consent Calendar and items not listed on the agenda that are within the purview of the District. Comments on the agenda are made when the Board considers each item. Each speaker is allowed a maximum of five minutes. Board members may not comment or act on items not on the agenda.]*
6. **Declarations of Conflict** *[Board members disclose any conflicts of interest with agenda items]*
7. **Approval of Agenda Action**  
*[\*Directors may request moving any consent calendar item to the regular calendar or change the order of the agenda items.]*
8. **Consent Calendar\*** *[Routine committee reports, minutes, and non-controversial items]* **Action**  
 A. \*Regular Board Meeting Minutes – July 31, 2023
9. **Closed Session** *[Board of Directors may recess to closed session to discuss certain matters as legally permitted. Any action taken shall be reported in an open session.]*  
 A. Gov't Code section 54956.8 Conference with Real Property Negotiator  
 Property: APN 000-131-024-008  
 B. Gov't Code § 54956.9 Existing Litigation  
 Case CV-21-003566 Stanislaus County  
 Parente & Parente v. Del Puerto Health Care District
10. **\*\*Regular Calendar**  
 A. \*Any Consent calendar items moved to the regular calendar **Action**  
 B. Review Proposals and Award Contract for Dev. Impact Fee Nexus Study **Action**  
 C. Review and Approve Building Cash Flow Through December 2023 **Action**  
 D. Review Proposals and Award Contract for D-B Construction Legal Services **Action**  
 E. Adopt Resolution Authorizing Purchase of Real Property **Action**
11. **Reconvene to Open Session – Report of Closed Session**
12. **Upcoming Regular Board and Standing Committee Meeting Dates Information**  
 Finance – Wed, Aug 23, 2023 @ 8:00 AM Board - Mon, Aug 28, 2023 @ 6:00 PM  
 Finance – Wed, Sep 20, 2023 @ 8:00 AM Board - Mon, Sep 26, 2023 @ 6:00 PM  
 Finance – Wed, Oct 25, 2023 @ 8:00 AM Board – Mon, Oct 30, 2023 @ 6:00 PM
13. **Adjourn**



Luis Avila, President  
Becky Campo, Vice-President  
Timothy Benefield, Secretary  
Anne Stokman, RN, Treasurer

PO Box 187, Patterson, CA 95363  
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**BOARD OF DIRECTORS MEETING MINUTES**  
**Monday, July 31, 2023 @ 6:00 pm**

1. **Call to order** at 6:05 pm by President, Luis Avila

2. **Pledge of Allegiance**

3. **Roll Call**

**Directors Present:**

President, Luis Avila  
Vice President, Becky Campo  
Treasurer, Anne Stokman  
Secretary, Timothy Benefield

**Directors Absent:**

None

**Staff Present:**

CEO, Karin Freese  
Ambulance Director, Paul Willette  
Health Center Manager, Suzie Benitez  
Accounting & Finance Manager, Maria Reyes Palad  
Clinical ED & QI Manager, Jim Whitworth  
Clerk of the Board/HR Manager, Cheryle Pickle

**District Legal Council:**

Dave Ritchie, Cole Huber, LLP

**Members of the Public:**

(Via Zoom) Bob Walker, Roy Nelson, Rob Pankratz

*We have a quorum.*

4. **Reading of the District's Vision, Mission, and Value Statements:**

*Vision: "A locally cultivated, healthier community."  
Mission: "To provide, promote, and partner in quality healthcare for all."  
Values: "Compassion – Commitment – Excellence"*

5. **Public Comment Period**

Ms. Freese introduced Mr. Walker, Mr. Nelson, and Mr. Pankratz, who will present later in the meeting.

6. **Declarations of Conflict** [Board members disclose any conflicts of interest with agenda items]

None.

7. **Approval of Agenda:**

**M/S/C: To approve the agenda with items 9.F, 9.H, & 9. I moved from the Consent Calendar to the Regular Calendar.**

Directors Stokman/Campo

**Ayes:** Directors Avila, Stokman, Campo, Benefield

**Nays:** None

**Abstain:** None

**Motion: Passed**

8. **Presentation by Bob Walker, Walker Advisory, Inc., on the DPAC Building Project**

Ms. Freese introduced Mr. Walker. The contract for Walker Advisory, Inc. is being reviewed by legal counsel and will be sent shortly. We will schedule Mr. Walker to come to Patterson at least once per phase.

Mr. Walker reviewed his resume with the Board. He addressed the Board's concerns. He recommends that the Board keep the Community updated on the Building Project on the district website. He recommended not sending the RFP until we have finalized the site.

9. **Consent Calendar\*** *[Routine committee reports, minutes, and non-controversial items]*
- A. \*Approve Regular Board Meeting Minutes – June 26, 2023
  - B. \*Approve Special Board Meeting Minutes – July 17, 2023
  - C. \*Accept Finance Committee Minutes – April 19, 2023
  - D. \*Accept Financial Reports – April 30, 2023
  - E. \*Accept Financial Reports – May 31, 2023
  - ~~F. \*Adopt Resolution 2023-10 for FY 2023-24 Collection of Ambulance Special Assessment~~
  - G. \*Adopt Resolution 2023-11 Calling for the Election on March 5, 2024, of a Director from Zone 4
  - ~~H. \*Adopt Policy 2151 Sponsorships and Community Event Tickets~~
  - ~~I. \*Adopt Resolution 2013-12 to establish a DPAC Project Reserve Account~~
  - J. \*Approve Stryker Equipment Maintenance Agreement

**M/S/C. Approve the Consent Calendar after moving Items F, H, & I to the Regular Calendar.**

Directors Campo/Benefield

**Ayes:** Directors: Avila, Stokman, Campo, Benefield

**Nays:** None

**Abstain:** None

**Motion: Passed with Roll Call Vote**

10. **Regular Calendar\***  
*\*Any Consent calendar items moved to the regular calendar*
- A. **9F. \*Adopt Resolution 2023-10 for FY 2023-24 Collection of Ambulance Special Assessment**

Ms. Freese explained that in 2005 DPHCD adopted a Resolution determining the ongoing need for the Ambulance Special Assessment. This item should be reviewed by the Board annually. In the future, this item will be added to the Board calendar in February.

Mr. Ritchie explained that changes need to be submitted to the Board of Supervisors by May of each year. It is best practice to review this each year and decide that if the special assessment is needed.

Discussion was had that suggested next time the board reviews this that the resolution include information regarding the number of transports in 2005 vs. the current year.

**M/S/C. The Board adopts Resolution 2023-10 confirming the validity of the Ambulance Special Assessment to be levied and collected for FY 2023-24.**

Directors Stokman/Benefield

**Ayes:** Directors: Avila, Stokman, Campo, Benefield

**Nays:** None

**Abstain:** None

**Motion: Passed**

- 9h. **\*Adopt Policy 2151 Sponsorships and Community Event Tickets**

Discussion was had regarding which events would be approved and who would attend. It was noted that there was an annual total spending limit of \$3,000 on community events.

**M/S/C. To adopt Policy #2150 Sponsorships and Community Events.**

Directors Campo/Benefield

**Ayes:** Directors: Avila, Campo, Benefield

**Nays:** Stokman

**Abstain:** None  
**Motion:** Passed

**9I. \*Adopt Resolution 2013-12 to establish a DPAC Project Reserve Account**

This was reviewed and recommended by the Finance Committee. This Resolution would transfer \$80K per month from the Unrestricted Net Assets to a Building Project Fund Reserve.

**M/S/C. To approve Resolution 2023-12: Monthly Transfers of \$80K to a Building Project Fund Reserves.**

Directors Stokman/Campo  
**Ayes:** Directors: Avila, Campo, Stokman, Benefield  
**Nays:** None  
**Abstain:** None  
**Motion:** Passed by Roll Call Vote

**B. Review and Approval of FY 2023-24 Operating Budget**

The Finance Committee has reviewed the Budget. There were three points:

1. COLA increases are budgeted for hourly staff.
2. Projected FY 2023-24 revenue is conservative.
3. A mid-year budget update would be completed in December of 2023

**M/S/C. To approve the FY 2023-24 Operating Expense Budget as presented.**

Directors Stokman/Benefield  
**Ayes:** Directors: Avila, Campo, Stokman, Benefield  
**Nays:** None  
**Abstain:** None  
**Motion:** Passed by Roll Call Vote

**C. Adopt Resolution 2023-13 RE: Accrued Expenses and Municipal Advisor Engagement**

Ms. Freese introduced Roy Nelson and Rob Pankratz from Wulff Hansen & Co. In April of 2022 the District agreed to retain Wulff Hanson & Co. as municipal advisors, however the building project was delayed until now. The resolution allows for reimbursement of expenses 60 days prior to adoption. There is no front cost. Their fees are included in the financing. Their fee is not to exceed fee of \$20K. They will quarterback the financing. They will evaluate the District's options and make recommendations to staff.

**M/S/C. To adopt Resolution 2023-13 recognizing the project expenses and municipal advisor agreement.**

Directors Benefield/Campo  
**Ayes:** Directors: Avila, Campo, Stokman, Benefield  
**Nays:** None  
**Abstain:** None  
**Motion:** Passed by Roll Call Vote

**11. Strategic Planning**

**A. Defining "Community" Discussion**

A discussion on how each Board member defines Community:

- Director Avila: Perspective revolving around the patient.
- Director Stokman: Beyond walls: Patient, family, subgroups, beyond District clients
- Director Campos: Elderly, children, financially challenged, solving community problems (i.e., social determinants of health)
- Director Benefield: Constituents (let them know they are represented, what availability of services)

Communities can be defined by: ethnicities, cultures, ages, potential healthcare workers (which requires outreach to PHS Medical Pathway), agriculture, commuters, and Bay Area transplants. The geographic District boundaries can be seen as extended family.

How do we reach the community?

- Boots on the ground.
- Community Health Assessment.
- Make staff become involved in the community.
- Talking points to Community Communicators on District healthcare availability.
- Social Media
- Postcards to households.
- Newspaper articles and press releases
- Community presentations (Board Driven)
- City Council presentations

B. Strategic Plan Timeline

Ms. Freese reviewed the FY 2023-24 Strategic Plan – Worklist (attached).

12. **Verbal Reports**

A. **Employee Anniversaries & New Hires**

	July	Years
Ambulance	Brian Hannameyer	8
	Eddie Thompson	20
	Daniel Martinez	New

B. Del Puerto Hospital Foundation – Directors Stokman and Avila – No Report

C. West Side Health Care Task Force – Director Benefield – No Report

D. Legislative Updates for July 2023 - ACHD & CSDA updates were provided on current legislation

13. **Verbal Reports – No Questions from board members**

A. Ambulance – Director Paul Willette (no written report submitted)

B. Health Center – Manager Suzie Benitez

C. Administration – Administrative Director/CEO Karin Hennings

14. **Director Correspondence, Comments, Future Agenda Items**

A. Board Calendar for August – Board Self-Assessment Survey Distribution

B. Via Heart Project, sponsorship opportunity to provide AEDs in the community.

C. Patterson High School Medical Pathway opportunity for representation on Advisory Board

Adjourn to Closed Session @ 8:02 pm

15. **Closed Session** [Board of Directors may recess to closed session to discuss certain matters as legally permitted. Any action taken shall be reported in open session.]

- A. Gov't Code section 54956.8 Conference with Real Property Negotiator  
Property: APN 0131-024-008

16. **Reconvene to Open Session – Report of Closed Session @ 8:31**

No reportable actions; Instructions were given to staff.

17. **Upcoming Regular Board and Standing Committee Meeting Dates Information**

Finance – Wed, Aug 23, 2023 @ 8:00 AM	Board – Mon, Aug 28, 2023 @ 6:00 PM
Finance – Wed, Sep 20, 2023 @ 8:00 AM	Board - Mon, Sep 25, 2023 @ 6:00 PM
Finance – Wed, Oct 25, 2023 @ 8:00 AM	Board – Mon, Oct 30, 2023 @ 6:00 PM

**18. Adjourned at 8:32**

Respectfully Submitted:

\_\_\_\_\_  
Timothy Benefield, Board Secretary

\_\_\_\_\_  
Date Signed

DRAFT



**BOARD OF DIRECTORS OF DEL PUERTO HEALTH CARE DISTRICT****Board Meeting – Thursday, August 17, 2023****10B. Contract for Development Impact Fee Nexus Study****Page 1 of 2**

Department: Chief Executive Office

CEO Concurrence: Yes

Consent Calendar: No

4/5 Vote Required: No

**SUBJECT:** **Review Proposals and Award Contract for Development Impact Fee Nexus Study**

**STAFF REPORT:** The Del Puerto Health Care District (“District”) is issued a Request for Proposals (“RFP”) from qualified firms or teams of firms with experience in conducting development impact fee Nexus studies for health care and emergency medical services facilities and services.

The Scope of Work involves close collaboration with district staff to develop a conclusive report encompassing several key aspects: a comprehensive and legally sound analysis with nexus studies showcasing the financial link between proposed fees and District expansion; an evaluation of existing development impact fees and Nexus study throughout the District's jurisdiction, proposing adjustments if needed and establishing effective utilization of these revenues; an intricate assessment of current service levels and strategies to attain the desired level specified in the District's Strategic Plan; identification of potential revenue sources in specific zones to accommodate overall district growth; and precise calculations illustrating the necessary facilities, equipment, and infrastructure for healthcare services, taking into account anticipated development over a thirty-year period.

. The District will review and evaluate all proposals. on factors including project understanding, technical approach, firm's qualifications within special districts, project design, cost, contract commitment, and insurance provision. A contract must be established within 30 days of Board approval. References will be contacted. The District reserves the right to request one or more oral interviews of any respondents prior to the final selection.

**DISTRICT PRIORITY:** Fiscal Transparency and Legal Requirements

**FISCAL IMPACT:** \$33,500 to \$61,000

**STAFFING IMPACT:** Assistance during process; necessity to update 2006 list of projects

**CONTACT PERSON:** Karin Freese

**ATTACHMENT(S):** Economic and Planning System (EPS) Proposal  
Willdan Proposal



**BOARD OF DIRECTORS OF DEL PUERTO HEALTH CARE DISTRICT**

**Board Meeting – Thursday, August 17, 2023**

**10B. Contract for Development Impact Fee Nexus Study**

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**RECOMMENDED BOARD ACTION:**

ROLL CALL REQUIRED: YES

RECOMMENDED MOTION: *I move the Board of Directors accept the proposal for a Nexus Study of Development Impact Fees for the Del Puerto Health Care District from \_\_\_\_\_ in an amount not to exceed \$ \_\_\_\_\_.*

<i>Motion Made By</i>	<i>Motion</i>	<i>Second</i>
<i>Director Avila</i>		
<i>Director Campo</i>		
<i>Director Benefield</i>		
<i>Director Stokman</i>		
<i>[vacant]</i>		

<i>Roll Call Vote</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Director Avila</i>				
<i>Director Campo</i>				
<i>Director Benefield</i>				
<i>Director Stokman</i>				
<i>[vacant]</i>				

Criteria	Proposal A	Proposal B
<b>GOAL</b>	<i>Updated Developmental Impact Fee St</i>	<i>Development Impact Fee Nexus Study for health care and emergency medical services and facilities to meet the projected demands of increased population growth within its service boundaries</i>
<b>Firm Focus</b>	<i>full-service land economics consulting firm, experienced in public finance, real estate economics, regional economics, and land use policy</i>	<i>implementing and defending fee programs; professional technical and consulting services that ensure the quality, value and security of our nation's infrastructure, systems, facilities, and environment.</i>
<b>Experience and Expertise</b>	<b>Study</b>	
Years of experience in conducting nexus studies	5	3
Previous experience with similar projects	5	3
Expertise in relevant legal and regulatory aspects	5	5
<i>Special District Experience</i>	3	5
<b>Methodology and Approach</b>		
<i>Overall Project Design and Methodology</i>	<b>Master Program Plan</b>	<b>Capital Improvement Plan</b>
Clear description of the study methodology	5	4
Clearly defined approach to data collection & analysis	5	5
Consideration of local market conditions	5	4
<b>Data Analysis and Projection</b>		
Sound analysis of growth projections and trends	5	3
Comprehensive review of infrastructure needs	5	4
<b>Cost and Budget</b>		
Breakdown of costs	3	4
Transparent budget allocation for various tasks	5	5
<b>Team Qualifications</b>		5
Demonstration of team member expertise	4	3
Project management leadership	5	3
<b>Innovation and Value-Added</b>		
Innovative approaches to analysis and findings	3	3
Additional value in terms of insights and advice	4	3
<b>Client References and Testimonials</b>		
Scale feedback from previous client #1		
Scale feedback from previous client #2		
Clarity and organization of the final report		

Criteria	Proposal A	Proposal B
Effective visualization of data and findings		
Ability to meet deadlines and deliver on promises		
<b>Overall Fit and Rapport</b>		
Alignment with the project's goals and objectives	5	3
<i>Quality compared to other proposals received</i>	4	3
Communication style and responsiveness	4	4
<b>Total Score</b>	<b>80</b>	<b>72</b>
<b>Report Quality and Presentation</b>		
<i>Projected Completion Date</i>	January	November
<i>Hours Proposed</i>	270	153
<b>Deliverables</b>		
Calls Projected	5	3
Public Meetings Included	5	
<i>Proposed Cost to provide requested services</i>	\$ 61,000	\$ 33,120
<i>Value: Total Score over price</i>		
<b>Extra Services</b>		
<b>NOTES - Location</b>	Sacramento	Oakland
	Public finance, real estate development; transportation planning, govt organization	Requires Master Capital Improvement Plan
	Interested in growing fee structure where impact is sure to hit residents	Didn't offer Board actions
	Requires CIP and Master Plan	Doesn't offer facilitation of public meetings
		Primary business is financing
		Experience with HCD is ten years ago

**BOARD OF DIRECTORS OF DEL PUERTO HEALTH CARE DISTRICT****Board Meeting – Thursday, August 17, 2023****10C. Building Project Cash Flow through December 2023****Page 1 of 2**

Department: Chief Executive Office

CEO Concurrence: Yes

Consent Calendar: No

4/5 Vote Required: No

**SUBJECT: Review and Approve Building Project Cash Flow Through December 2023****STAFF REPORT:** As we move into the phases of the construction project involving RFQ, RFP, and Design-Build Contracts, the district will incur various expenses requiring authorization. Collaborating with Owner's Advisor Bob Walker, staff has taken the following actions:

1. Updated the architect's budget estimate to encompass all project-related costs, and
2. Developed a cash flow calendar to inform the board of essential expense timings.

Staff seeks board approval for the projected expenses detailed in the attached budget and cash flow calendar, enabling necessary coordination with consultants and service providers (e.g., architect, property line survey, property environmental survey, legal counsel, owner's advisor).

Following the RFP completion, staff will revisit the Board with a revised budget and additional expenditure requests. This action pertains to services needed for RFQ, RFP, and Design-Build Contract drafting processes, not construction approval.

**DISTRICT PRIORITY:** Ensuring fiscal responsibility and transparency.**FISCAL IMPACT:** Estimated at \$263,043 until December 31, 2023**STAFFING IMPACT:** Provision of essential services for RFQ, RFP, and D-B Contract drafting processes.**CONTACT PERSON:** Karin Freese**ATTACHMENT(S):** 2023-08-03 DPAC Cash Flow**RECOMMENDED BOARD ACTION:****ROLL CALL REQUIRED:** YES**RECOMMENDED MOTION:** *I move that the Board of Directors grants approval for expenses associated with the RFQ, RFP, and Design-Build Contract drafting, with a maximum limit of \$263,043 and empowering the CEO to procure all*

**BOARD OF DIRECTORS OF DEL PUERTO HEALTH CARE DISTRICT**

**Board Meeting – Thursday, August 17, 2023**

**10C. Building Project Cash Flow through December 2023**

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*necessary services to facilitate the RFQ, RFP, and Design-Build Contract drafting processes.*

<i><b>Motion Made By</b></i>	<i><b>Motion</b></i>	<i><b>Second</b></i>
<i>Director Avila</i>		
<i>Director Campo</i>		
<i>Director Benefield</i>		
<i>Director Stokman</i>		
<i>[vacant]</i>		

<i><b>Roll Call Vote</b></i>	<i><b>Aye</b></i>	<i><b>No</b></i>	<i><b>Abstain</b></i>	<i><b>Absent</b></i>
<i>Director Avila</i>				
<i>Director Campo</i>				
<i>Director Benefield</i>				
<i>Director Stokman</i>				
<i>[vacant]</i>				

# Del Puerto Health Care District

8/03/2023

DPAC Program - Updated Estimate

1.30 Grossing Factor

	Program Heading	Space	Area	Area Factor	Gross SF	Cost / Area	Extended Cost	Notes	Cost / SF	
HARD COSTS	<b>1.0 Building</b>									
		New Build			14,253	\$ 550	\$ 7,839,150			
		Demo Exist.			-	5600sf/\$18sf	\$ 100,000			
		<b>Total Build</b>			<b>14,253</b>		<b>\$ 7,939,150</b>		\$ 557	
		<b>2.0 Site</b>								
		General Site			62,000	\$ 25	\$ 1,550,000			
		Landscaping & Signage					\$ 100,000			
		<b>Total Site</b>			<b>62,000</b>		<b>\$ 1,650,000</b>		\$ 116	
		<b>Type</b>				<b>Cost / sf</b>	<b>SF / Unit</b>	<b>Total</b>	<b>Notes</b>	
		<b>Building/ Site Subtotal</b>						<b>\$ 9,589,150</b>	based upon program	
	<b>GC Overhead/ Profit/ Bonds/ Insurance/ General Conditions</b>					18%	<b>\$ 1,726,047</b>		\$ 121	
	<b>TOTAL CONSTRUCTION HARD COST</b>						<b>\$ 11,315,197</b>	\$ -	\$ 794	
SOFT COSTS	<b>SOFT COSTS</b>									
	Professional Fees					10.0%	\$1,131,520	includes most specialty consultants		
	Owners Advisor						\$125,000			
	Legal					1.0%	\$113,152	RFQ, RFP, Contract		
	Special Inspection/ Materials Testing					1.00%	\$113,152			
	Geo-tech					LS - Allowance	\$35,000			
	Building Commissioning					LS - Allowance	\$50,000			
	Development/ Permit Fees					3.0%	\$339,456	Planning, Building, Traffic, etc.		
	Owner Low Voltage/ Equip					1.5%	\$169,728			
	Misc. Utility Allowance					2.0%	\$226,304	PG&E, Cable/Internet		
	FFE					7.0%	\$792,064			
	<b>TOTAL PROJECT SOFT COST</b>						<b>\$ 3,095,375</b>			
OTHER	Escalation					6.0%	\$678,912			
	Project Contingency					10.0%	\$1,131,520			
	<b>TOTAL OTHER COST</b>						<b>\$1,810,432</b>			
	<b>TOTAL PROJECT COST</b>						<b>\$ 16,221,004</b>		\$ 1,138	

	2023		2024		2025	
	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative
January	\$ -	\$ -	\$ 129,467	\$ 392,510	\$ 677,249	\$ 7,652,770
February	\$ -	\$ -	\$ 156,098	\$ 548,608	\$ 725,075	\$ 8,377,845
March	\$ -	\$ -	\$ 166,413	\$ 715,021	\$ 772,901	\$ 9,150,745
April	\$ -	\$ -	\$ 245,619	\$ 960,640	\$ 803,314	\$ 9,954,059
May	\$ -	\$ -	\$ 945,118	\$1,905,758	\$ 964,705	\$10,918,763
June	\$ -	\$ -	\$ 960,330	\$2,866,088	\$ 1,113,965	\$12,032,728
July	\$ -	\$ -	\$ 888,113	\$3,754,201	\$ 1,120,244	\$13,152,972
August	\$ 20,315	\$ 20,315	\$ 906,202	\$4,660,403	\$ 1,102,472	\$14,255,444
September	\$ 54,788	\$ 75,103	\$ 555,618	\$5,216,022	\$ 978,820	\$15,234,264
October	\$ 54,788	\$ 129,891	\$ 548,480	\$5,764,502	\$ 776,114	\$16,010,378
November	\$ 34,630	\$ 164,522	\$ 581,597	\$6,346,099	\$ 210,626	\$16,221,004
December	\$ 98,522	\$ 263,043	\$ 629,423	\$6,975,521	\$ -	
Total	\$ 263,043		\$6,712,478	-	\$ 9,245,482	\$16,221,004



**BOARD OF DIRECTORS OF DEL PUERTO HEALTH CARE DISTRICT**

**Board Meeting – Thursday, August 17, 2023**

**10D. Contract for D-B Construction Legal Services**

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Department: Chief Executive Office

CEO Concurrence: Yes

Consent Calendar: No

4/5 Vote Required: No

**SUBJECT:** **Review Proposals and Award Contract for Design-Build Construction Legal Services**

**STAFF REPORT:** The Del Puerto Health Care District (“District”) contacted two qualified firms with experience in providing legal services (e.g., RFQ, RFP, Contract reviews) for public agency design-build construction projects.

Staff called and discussed our project with two qualified firms referred to us by Wipfli and by our previous experience working on the Design-Build for health care district question.

Working with drafts provided by our Owner’s Advisor, Bob Walker, the RFQ, RFP, and D-B Contract will also be reviewed by our architect, Eric Whole and then by the selected legal counsel for compliance in California and inclusion of best practices.

Attached please find the proposals of Austin Murphy, and the email update from Hansen Bridgett who proposes to continue the existing legal contract we entered previously.

**DISTRICT PRIORITY:** Legal representation focused on a specialty field

**FISCAL IMPACT:** TBD

**STAFFING IMPACT:** provides necessary oversight on legal RFQ, RFP, and Contract

**CONTACT PERSON:** Karin Freese

**ATTACHMENT(S):** Austin Murphy Proposal  
Hansen Bridgett Proposal

**RECOMMENDED BOARD ACTION:**

ROLL CALL REQUIRED: YES

RECOMMENDED MOTION: *I move the Board of Directors to engage the law firm of \_\_\_\_\_ to provide legal counsel related to the Design-Build Construction project including legal review of the RFQ, RFP, and Design-Build Contract.*

**BOARD OF DIRECTORS OF DEL PUERTO HEALTH CARE DISTRICT**

**Board Meeting – Thursday, August 17, 2023**

**10D. Contract for D-B Construction Legal Services**

**Page 2 of 2**

<i>Motion Made By</i>	<i>Motion</i>	<i>Second</i>
<i>Director Avila</i>		
<i>Director Campo</i>		
<i>Director Benefield</i>		
<i>Director Stokman</i>		
<i>[vacant]</i>		

<i>Roll Call Vote</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Director Avila</i>				
<i>Director Campo</i>				
<i>Director Benefield</i>				
<i>Director Stokman</i>				
<i>[vacant]</i>				

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J. SCOTT ALEXANDER  
MANAGING PARTNER  
DIRECT: (916) 329-3004  
salexander@murphyaustin.com

July 27, 2023

Karin Freese, MBA, CEO  
Paul Willette, Director of Ambulatory Operations  
Del Puerto Health Care District  
875 E Street  
Patterson, CA 95363

Re: Proposal for Healthcare Construction Legal Services  
Del Puerto Ambulance and Administration Center (DPAC)

Dear Ms. Freese and Mr. Willette,

My partner, Ken Schumaker, and I thoroughly enjoyed our conversation with you both on Tuesday, July 25<sup>th</sup>, and we appreciated your overview concerning the current status of the Del Puerto Ambulance and Administration Center (DPAC) Project (“Project”), and the legal services being sought by the Del Puerto Health Care District (the “District”) for this Project.

On behalf of Murphy Austin Adams Schoenfeld LLP (“Murphy Austin”), we are pleased to submit this proposal to provide construction law counsel for the District in support of preparing the Design-Build RFP and contract for the Project.

With respect to the legal services the District is seeking for the Project, our firm, and in particular our construction group, is uniquely positioned to assist the District, as we possess both the experience and intangibles necessary to support the full scope of the District’s Project requirements.

### **Background of Murphy Austin Adams Schoenfeld LLP**

Murphy Austin is a mid-size, multi-practice, business law firm located in downtown Sacramento. The firm’s 65 employees presently include 31 staff members and 34 attorneys with expertise in the practice areas of construction law and litigation, business and commercial litigation, commercial real estate transactions and litigation, healthcare, insurance coverage and bad faith litigation, corporate and nonprofit law, environmental counseling and regulation, labor and employment, tax, and estate planning.

Since its inception in 1999, the core mission of Murphy Austin has been to provide legal services through the collaborative efforts of experienced attorneys and staff committed to the highest standard of professional excellence, integrity, and value.

Del Puerto Health Care District  
July 27, 2023  
Page 2

## **Preventive Law Approach**

We value long-term relationships with our clients, which enhance our ability to deliver legal services that are tailored specifically to client needs. We provide a team approach to our delivery of services, staffed by lawyers experienced and knowledgeable in the subject matter areas required, but honed to provide services without overstaffing or unnecessary expense or time. This is a core part of our focused commitment that distinguishes our team of professionals and staff from our peers.

We are proactive in our approach to client matters and swiftly analyze the legal and factual issues presented, identifying and communicating alternate paths and reasoned alternatives to our clients for their informed determinations as to how we can best serve their needs. Our legacy includes the ability to work with our clients strategically to enhance and protect their interests, including representation in litigated and difficult situations. We seek to combine our substantive expertise with a robust ability to work collaboratively to best achieve our client goals, rather than have others dictate how to react.

Our team excels in providing advice efficiently and effectively, both when handling disputes and in developing strategies to avoid disputes. While our attorneys have the ability and foresight to guide our public owner clients through complex issues that may arise during the construction process, our firm also possesses the necessary resources and expertise to defend and enforce our clients' rights vigorously through the litigation process.

Murphy Austin has been repeatedly awarded Tier One rankings in the *U.S. News-Best Lawyers/Best Law Firms* reports for excellence in Construction Law, Real Estate Law, and in Commercial Litigation, and is named in *Fortune* magazine's *Top Ranked Law Firms* by Martindale-Hubbell.

## **Construction Law Practice**

One of the foundations of our firm has been, and remains, our construction law practice. Our Construction Law Team is consistently recognized by our peers for professional achievement, with team members named in *Best Lawyers in America* and *Northern California Super Lawyers*, among other publications, for excellence in the practice of Construction Law.

As construction lawyers, we devote our full time and attention to representation of all aspects of the industry, but notably devote the majority of our time and attention to representation of public owners, contractors and subcontractors. This diversity of our practice is intentional because we believe that through this approach, we have gained a unique and well-rounded understanding of the fundamental interests of all who work on a project and can best represent our clients' interests because we can discern much more than our peers the needs and motivations of all members of the industry, rather than just one niche.

Del Puerto Health Care District  
July 27, 2023  
Page 3

Our Construction Law Team's attorneys have significant experience with, and understanding of, the representation of public owners. Our services include those relating to licensing, pre-construction planning, preparation of contracts across various delivery methodologies (including the use and/or modification of industry standard contract forms), front end documents and bid solicitations, bid protests, and construction and post-construction challenges, claims and all types of disputes, including mediation, arbitration, and trial of construction disputes, as needed.

Promptly and critically addressing the myriad of issues confronting our public owner clients is one of the hallmarks of the attorneys in our Construction Law Team, as is the creativity of our attorneys to evaluate the viable options when only a creative or perhaps non-traditional solution will achieve the client's objectives. When in the best interests of our public owner clients, our litigators effectively use the mediation process to resolve disputes (and mitigate costs).

The bottom line is that our firm's experience and ability are specifically tailored to serve the District's needs.

### **Representation of Public Entities**

A cornerstone of our practice is the representation of public entities in construction law matters. Below is a list of some of the public entities that we have had the pleasure and honor of representing over the years:

**School Districts:** Los Rios Community College District, Los Banos Unified School District, Patterson Joint Unified School District, Santa Clara Unified School District, the University of California campuses of Davis, Irvine, San Diego and Berkeley.

**Special Districts/Agencies:** San Diego Unified Port District (airport owner), Northern California Power Agency, Yuba County Water District, San Juan Water District, Fair Oaks Water District, Northridge Water District, Orangevale Water District, Amador Water District, Tulare Local Health Care District, and Tahoe City Public Utility District.

**Cities:** Sacramento, Stockton, Escondido, Vacaville, Folsom, South Lake Tahoe, Santa Maria, Yuba City, Calistoga, Redwood City, Los Banos, Tracy, Livermore, Berkeley, Susanville, Auburn, and Marysville.

**Counties:** Humboldt and Santa Clara.

**State of California:** Regents of the University of California, Department of Water Resources, and CalPERS

With specific reference to the scope of legal services that the District is presently seeking for this Project, we have previously drafted both general and project-specific contracts (including

Del Puerto Health Care District  
July 27, 2023  
Page 4

general conditions) for various public entities, notably the Tulare Local Health Care District, Tahoe City Public Utility District, the City of Stockton, the City of South Lake Tahoe, and the City of Santa Maria. Additionally, and as Ken mentioned during our conference call earlier this week, we have significant experience preparing and editing design-build agreements across various industries (from the perspective of both the owner and contractor), as well as GMP contracts (particularly in the context of large lease-leaseback or design-build contracts issued by many school districts throughout California). We have also assisted public entity clients with pre-qualification, evaluation and selection of contractors in response to Requests for Proposals, including for design-build projects.

To the extent the District may require references to learn more about our firm and the quality of our public owner representation, please let me know and those will be provided upon request.

Ken and I would assume primary responsibility for the performance of construction law services for the District, with close assistance available as may be necessary or required from another of our construction law partners, Blair Shahbazian. As noted during our call, Blair has practiced law for over 35 years, and has spent much of that time engaged in the preparation and negotiation of construction contracts. Through this team approach, we can ensure that we will have the appropriate resources available for the District when those resources are needed. For purposes of this engagement, the hourly rate for each of the construction partners that may assist on this matter will be \$425 per hour, which reflects a discounted public entity rate extended to the District.

For your reference, resumes of the attorneys that may work on this matter are enclosed with this letter.

We welcome the opportunity to work with you and the District, and we are available to answer any questions you may have regarding our proposal to provide legal services. Additional information about our firm is available online at [www.murphyaustin.com](http://www.murphyaustin.com).

Thank you for your consideration, and for affording us this unique opportunity.

Very truly yours,

MURPHY AUSTIN ADAMS SCHOENFELD LLP

J. SCOTT ALEXANDER

JSA/lh  
Enclosures

PARTNER

## J. Scott Alexander

E [salexander@murphyaustin.com](mailto:salexander@murphyaustin.com)

T. 916-446-2300 x3004



### PRACTICE AREAS

Business and Commercial Litigation

Construction

Intellectual Property Litigation

Public Contracts

Real Estate

### EDUCATION

University of the Pacific,  
McGeorge School of Law  
J.D., *with distinction*, 1997

Rhodes College  
B.A., *cum laude*, 1993  
Business Administration  
and Economics

### ADMISSIONS

California

### LEADERSHIP

Chairman of the Rancho  
Cordova Chamber of  
Commerce Board of  
Directors (2019 to Present)

### MEMBERSHIPS

Construction Financial  
Management Association,  
Board of Directors

National Association of  
Construction Auditors

American Bar Association

### OVERVIEW

Scott Alexander currently serves as the managing partner of Murphy Austin Adams Schoenfeld LLP. Scott practices business and commercial litigation throughout all California state and federal courts, with a primary emphasis in construction and real estate litigation, public contracts and complex contract disputes.

Scott routinely represents public entities, private owners, general contractors, subcontractors, and architects and engineers on a broad array of issues within the construction industry, including contractor licensing matters, bid protests, prosecution and defense of impact, delay and disruption claims, defective construction claims, complex contract disputes, negligence and tort claims, false claims, and mechanics' lien, stop notice and bond claim actions. Scott's broad experiences on public (both state and federal) and private projects have provided him with critical background in the areas of design and engineering standards, construction management, construction means and methods, and the presentation and defense of construction claims.

During his legal career, Scott has attained considerable trial, writ, arbitration, and mediation experience. He has also appeared and submitted briefs before the California Courts of Appeal.

In addition to his litigation practice, Scott has significant experience drafting and negotiating all types of public and private project construction contracts, including design-build and energy service performance contracts, and related construction documentation across various construction project delivery systems.

Scott presently serves as general counsel to both a chamber of commerce and a travel and tourism organization located within the Sacramento region.

Scott received his J.D., *with distinction*, from the University of the Pacific, McGeorge School of Law in 1997. Prior to receiving his law degree, Scott facilitated municipal finance transactions and drafted related legislation for the California Housing



Sacramento County Bar  
Association, Construction  
Law Section

Finance Agency. He graduated from Rhodes College in Memphis, Tennessee with a bachelor's degree in Business Administration and Economics. Prior to joining Murphy Austin Adams Schoenfeld LLP in January 1999, Scott was an associate in the Business and Tort Litigation Group with Diepenbrock, Wulff, Plant & Hannegan, LLP.

Scott is recognized by Martindale-Hubbell as an AV Preeminent Peer Review Rated lawyer. He was selected to *Northern California Super Lawyers* for construction litigation in 2020, 2021, 2022, and 2023. Scott was named in *Sacramento Magazine's* Top Lawyers 2020 through 2023 Lists for excellence in construction law and also in construction litigation in 2022. Scott has served as Chairman of the Rancho Cordova Chamber of Commerce Board of Directors since 2019.

## EXPERIENCE

### Representative Matters

- Prosecuted to successful resolution a multi-million dollar direct cost and impact claim on behalf of a mechanical contractor arising from its modernization of an extensive truck load-out at a wastewater treatment facility.
- Represented electrical subcontractor in the successful prosecution of a multi-million dollar delay and labor productivity claim arising from the construction of a new baseball stadium.
- Represented contractor in the successful pursuit of multiple direct cost and impact claims arising from both water and wastewater treatment facility projects, including the defense of liquidated damage assessments and false claim allegations.
- Represented public owner of a metropolitan airport facility in the evaluation and successful prosecution of significant design and construction defect claims arising from a large renovation and expansion project.
- Represented municipality in the defense and, ultimately, the favorable resolution of a prime contractor's damages claim in excess of \$28 million arising from a wastewater treatment expansion project.
- Represented municipality in the successful defense of contractor claims for direct costs and impacts arising from the construction of new parking structure.
- Represented private commercial facility owner in the successful resolution of construction defect claims arising from the facility's roofing system.
- Represented special district in the pursuit and successful resolution of both design and construction claims associated with a defective roofing system.
- Represented contractor on claims in excess of \$1 million against a subdivision bond subsequent to the project developer's default.

- Significant experience and success handling all aspects of the pursuit and defense of bid protests on California public works projects, including writ proceedings.
- Revised and drafted front end bid documents, including general conditions, on behalf of numerous local public entities throughout the State of California.
- Drafted and negotiated prime contracts and subcontracts representing hundreds of millions of dollars of public and private construction project work.

## Speaking Engagements

- “Managing Construction Claims: What Do You Do When a Good Project Goes Bad, or a Bad Project Gets Worse?”; 2012 National Association of Construction Auditors Annual Conference (September 17, 2012)
- “A Construction Claims Primer: What Do You Do When a Good Project Goes Bad...Or a Bad Project Gets Worse?”; Construction Financial Management Association, Sacramento Chapter (March 16, 2012)
- “California Construction Contracts: ‘Battleground’ Clauses,” Construction Financial Management Association, Sacramento Chapter (September 16, 2011)
- “The 2012 Mechanics’ Lien/Collection and Insurance Primer: Stay Ahead of the Curve,” Sacramento, CA (September 15, 2011)
- “Survive & Thrive: New Legal Tools For Your Toolbox,” San Ramon, CA (July 27, 2011)
- “Survive & Thrive: New Legal Tools For Your Toolbox,” Stockton, CA (May 11, 2011)
- “Public Works Construction: The Successful Project Primer,” Placerville, CA (March 1, 2011)
- Panelist, 3rd Annual Business Outlook Breakfast, Rancho Cordova Chamber of Commerce, Rancho Cordova, CA (February 25, 2011)
- “Survive & Thrive: New Legal Tools For Your Toolbox,” Sacramento, CA (January 27, 2011)
- “Federal Construction Contracting: The Basics,” Sacramento, CA (April 13, 2010)
- “California Employment Laws & the Construction Industry,” Sacramento, CA (March 24, 2009)
- “California Employment Laws & the Construction Industry,” Sacramento, CA (November 11, 2008)
- “California Public Works/Construction Contracts from Bidding to Completion,” Lorman Education Services (July 2007, June 2006 and July 2005)

## HONORS

- Super Lawyer in *Northern California Super Lawyers*, Construction Litigation (2020-2023)
- *Sacramento Magazine's* Top Lawyers List, Construction Law (2020-2023)
- *Sacramento Magazine's* Top Lawyers List, Construction Litigation (2022)
- Fellow, Construction Lawyers Society of America
- AV Preeminent Peer Review Rating from Martindale-Hubbell

PARTNER

## Kenneth I. Schumaker

E [kschumaker@murphyaustin.com](mailto:kschumaker@murphyaustin.com)

T. 916-446-2300 x3091



### PRACTICE AREAS

Business and Commercial Litigation

Construction

Public Contracts

### EDUCATION

Boston University School of Law  
J.D., 1995

University of California, Berkeley  
B.A., 1992  
History and Political Science

### ADMISSIONS

California

Nevada

### MEMBERSHIPS

American Bar Association

Sacramento County Bar Association, Construction Law Section

### OVERVIEW

Kenneth Schumaker's practice focuses on all aspects of general civil litigation with an emphasis on construction law, which includes the representation of contractors, developers, owners and design professionals, contract and real property disputes, business and commercial matters, and insurance coverage and litigation issues. Ken's construction practice includes contract drafting/negotiation, bid protests, in-project consultation, and claims advice.

Ken is an AV Peer Review Rated lawyer, the highest rating given by Martindale-Hubbell for legal ability and ethical standards. He was named in the *Northern California Super Lawyers* list in 2023 for excellence in construction litigation. He has been listed in *Sacramento Magazine's* Top Lawyers list in 2016 and 2021 through 2023.

Ken received his J.D. from Boston University School of Law in 1995. While in law school, he served as an Articles and Book Review Editor for the Boston University Public Interest Law Journal. Ken graduated from the University of California, Berkeley in 1992 with Bachelors Degrees in History and Political Science. He was admitted to practice in California in 1995, and was also admitted to practice in Nevada in 2000.

### EXPERIENCE

#### Speaking Engagements

- "A Construction Claims Primer: An Auditor's Impact on the Claims Process," 2015 National Association of Construction Auditors' Annual Conference (March 31, 2015)
- "How to Manage Construction Claims," CFMA Sacramento Chapter (October 23, 2015)
- "Managing Construction Claims: What Do You Do When a Good Project Goes

Bad, or a Bad Project Gets Worse?"; 2012 National Association of Construction Auditors Annual Conference (September 17, 2012)

- "A Construction Claims Primer: What do you do when a good project goes bad...or a bad project gets worse?"; Construction Financial Management Association, Sacramento Chapter (March 16, 2012)
- "California Construction Contracts: 'Battleground' Clauses," Construction Financial Management Association, Sacramento Chapter (September 16, 2011)
- "The 2012 Mechanics' Lien/Collection and Insurance Primer: Stay Ahead of the Curve," Sacramento, CA (September 15, 2011)
- "Survive & Thrive: New Legal Tools For Your Toolbox," Presentations for San Ramon, CA (July 27, 2011), Stockton, CA (May 11, 2011), and Sacramento, CA (January 27, 2011)
- "Public Works Construction: The Successful Project Primer," Placerville, CA (March 1, 2011)
- "Federal Construction Contracting: The Basics," Sacramento, CA (April 13, 2010)
- "Inside Counsel's Guide to Preparing for and Managing Unexpected Legal Challenges and Emergencies," Association of Corporate Counsel, Sacramento Chapter, Sacramento, CA (April 16, 2009)
- "California Public Works Construction Projects," Dublin, CA (April 15, 2009)
- "California Employment Laws & the Construction Industry," Sacramento, CA (March 24, 2009)
- "California Employment Laws & the Construction Industry," Sacramento, CA (November 11, 2008)
- "Construction Law and the Receiver," Presenter, Sacramento Receivers' Forum, Sacramento, CA (November 29, 2007)
- "California Public Works/Construction Contracts from Bidding to Completion," Panelist, Lorman Seminar, Sacramento, CA (2005-2009)

## HONORS

- Named in *Northern California Super Lawyers*, Construction Litigation (2023)
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating from Martindale-Hubbell
- Named in *Sacramento Magazine's* Top Lawyers List, Construction (2016, 2021-2023)
- Fellow, Construction Lawyers Society of America
- 2016 CFMA Sacramento Chapter Associate Member of the Year

PARTNER

## V. Blair Shahbazian

E [bshahbazian@murphyaustin.com](mailto:bshahbazian@murphyaustin.com)

T. 916-446-2300 x3095



### PRACTICE AREAS

Business and Commercial Litigation  
Construction  
Public Contracts  
Real Estate

### EDUCATION

Hastings College of the Law, J.D., 1986  
University of California, Davis, B.A., 1982

### ADMISSIONS

California  
U.S. Court of Appeals for the Federal Circuit  
U.S. Court of Federal Claims

### LEADERSHIP

Lions Club International, Fort Sutter Chapter (President 2007-2008)  
Board of Directors, Kappa Sigma Fraternity, U.C. Davis (President 1999-2002)  
Board of Directors, ALS Association of Greater Sacramento (2002-2007)

### MEMBERSHIPS

Sacramento County Bar

### OVERVIEW

Blair Shahbazian is a partner with the Construction Law Team and Real Estate Law Team and served as managing partner of Murphy Austin Adams Schoenfeld LLP from 2008 to 2012. He formerly was a partner of Diepenbrock, Wulff, Plant & Hannegan, LLP, with which he started his legal career in 1986. His practice area focuses on general civil litigation and transactions with emphasis in construction and real estate law, including negotiating and drafting contracts; public contract procurement, including bid protests; and real estate litigation. He has represented public and private property owners, developers, general contractors and subcontractors, design consultants, public entities, property management companies, receivers and suppliers of goods and services.

Blair is a member of the Sacramento County Bar Association's Construction Law Section and the American Bar Association's Public Contract Law Section and Forum on the Construction Industry. He has served as a Pro Tem Settlement Conference Judge and Arbitrator for the Sacramento County Superior Court, as well as an Early Neutral Evaluator for the United States District Court, Eastern District of California.

Blair has spoken on issues concerning public and private contracting and construction for the American Arbitration Association, the California Continuing Education of the Bar, Lorman Education Services, the Sacramento County Bar, the National Purchasing Managers Association and Sterling Education Services.

Blair is rated AV-Preeminent by Martindale-Hubbell and he is listed in 2013 through 2023 editions of *Northern California Super Lawyers*. He was included in *Sacramento Magazine's* Top Lawyers List for excellence in construction litigation in 2015 and 2018 and in construction law in 2020 and 2022. He was named in *Sacramento Business Journal's* Best of the Bar List in 2016, 2018, and 2019. Blair graduated from University of California, Davis with a B.A. in Political Science in 1982 and earned his J.D. from Hastings College of the Law in 1986.

Association, Construction  
Law Section

American Bar Association,  
Public Contract Law  
Section

ABA Forum on the  
Construction Industry

## EXPERIENCE

### Representative Matters

- Representation of public and private property owners, developers, general contractors and subcontractors, design consultants, public entities, property management companies, receivers and suppliers of goods and services.

## HONORS

- Listed as a Super Lawyer in *Northern California Super Lawyers, Construction* (2013-2023)
- Named in *Sacramento Magazine's Top Lawyers List, Construction Litigation* (2015, 2018), *Construction* (2020, 2022)
- Named in the *Sacramento Business Journal's Best of the Bar List* (2016, 2018-2019)
- AV® Preeminent™ Peer Review Rating from Martindale-Hubbell (2011-Present)



PRACTICE AREA

# Construction



## ATTORNEYS

Alexander F. Stuart  
Charles R. Hellstrom  
Cynthia N. Oshiro  
D. Michael Schoenfeld  
J. Scott Alexander  
Kenneth I. Schumaker  
Kristina O. Lambert  
Lisa D. Nicolls  
Shawn C. Moore  
Steven A. Lamon  
V. Blair Shahbazian

## OVERVIEW

Murphy Austin's Construction Law Team provides representation of and advocacy for all participants in the construction process including owners (both public and private), general contractors, subcontractors, sureties, suppliers, insurers, design professionals, construction managers and other project participants.

Our services include those relating to licensing, pre-construction planning, preparation and negotiation of contracts, front end documents and bid solicitations, bid protests, and construction and post-construction challenges, claims and all types of disputes (mediation, arbitration, and trial of construction disputes, as needed). We also provide representation with respect to construction related issues having environmental impacts or consequences.

We have collective experience of more than 100 years of client-focused representation. Our construction law practitioners are very experienced in using alternative dispute resolution and our focus is on solution-driven representation.

In addition to advocacy for our clients, we also provide neutral services (mediation and arbitration) which are structured to meet the specific needs of the parties and help achieve prompt, cost-effective, and well-reasoned solutions to construction and commercial disputes.

The specific areas of our Construction Law Team expertise include:

### Pre-Bid

- Preparation and Negotiation of Contracts
- Licensing Matters with the CSLB
- Pre-Qualifications
- Bid Protests & Evaluations

- Review of Contract Documents
- DBE/DVBE Requirements and Compliance

#### **Post-Bid**

- Bid Protests & Evaluations (local, state and Federal, including the US Boards of Contract Appeals and Court of Federal Claims)
- Responsibility Hearings
- Substitution of Subcontractors
- Procurement Disputes
- Partnering Sessions

#### **During and After Performance**

- Analysis of Issues in Dispute
- Consultation Concerning Performance Issues
- Payment Disputes
- Government Code Claims
- Change Orders
- Delay/Productivity Analysis
- Lien Release/Payment Issues
- Stop Notice/Mechanics' Lien/Payment and performance Bond Dispute
- Defect Analysis
- Liquidation/Tolling Agreements
- Prioritization of Rights and Remedies of Creditors/Debtors
- Evaluation of Insurance Coverage
- Arbitration/Mediation/Litigation of Claims
- Negotiation of Disputes
- Analysis of Options/Risk – Benefit Evaluations
- False Claims Analysis/Assertion

#### **ADR Services**

Complex Construction and Commercial Disputes, including:

- Mediation

- Arbitration
- Appellate Arbitration
- Early Neutral Evaluations
- Dispute Review Boards

## EXPERIENCE

Certified by the American Arbitration Association (AAA) as an arbitrator and mediator and as an arbitrator by Public Works Contract Arbitration (PWCA), [Mike Schoenfeld](#) has a vast depth of expertise in ADR processes, both as an advocate and as an active mediator and arbitrator. He has served as a neutral in more than 170 matters.

## Karin Freese

---

**From:** David S. Gehrig <dgehrig@hansonbridgett.com>  
**Sent:** Friday, July 21, 2023 4:40 PM  
**To:** Karin Freese  
**Subject:** legal proposal for design-build project  
**Attachments:** \_Signed - 03\_18\_2022\_ EL from Del Puerto Health Care District(18411618.1).pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good afternoon, Karin. I am following up on our conversation earlier this week about providing legal assistance with your upcoming design-build project for new DP Health facilities.

As we discussed, most of my practice involves assisting public agency clients with public work projects with a particular emphasis on design-build projects. Over the last 8 years, I have assisted at least ten clients with more than a dozen design-build and progressive design-build projects, many of them over \$100M in value. I also have experience assisting Salinas Valley Memorial Healthcare District with their public works projects, and my colleagues represent several other health care districts in the state. In short, we are confident that we have the knowledge, experience and judgement to successfully guide you through your design-build project.

As you know, we prepared a legal memo summarizing the applicability of existing design-build statutory authority to your project in April of last year. We prepared an engagement letter for that work in March of 2022, which is attached. In my view, that engagement letter was drafted broadly enough to encompass the required legal work during the procurement process, and preparation of the design-build agreement and other contract documents. Thus, I don't think we need to prepare a new engagement letter.

### Rates

According to the terms of that engagement letter, the hourly rates for our work would be as follows (initial rates plus 4% annual increase):

- Partners: \$535 / hour
- Senior Counsel: \$483 / hour
- Associates: \$431 / hour

These rates will remain in place until March 18, 2024, at which time the annual 4% increase would be applied again (and in each successive year).

### Scope of Services

On our recent call, you explained that DP Health has retained an Owner's Advisor named Robert Walker, who has significant health care construction and design-build experience. You mentioned that Mr. Walker will be taking the lead on preparing the procurement documents (RFQ and RFP), and that we will be asked to review and provide revisions. Hanson Bridgett will be responsible for developing the design-build agreement, definitions and supplemental conditions. I would expect that other exhibits will be prepared / coordinated between Hanson Bridgett, Mr. Walker and the design firm for this project. HB would assist with the procurement process through the negotiation of the final award by the Board. HB will also be available to assist on legal issues that come up during the course of the project after award

(including contract interpretation, change orders, disputes and construction claims) but those services are not included in this initial hours estimate / budget.

In addition, we discussed assistance with advising DP Health about best practices in terms of board and staff roles on a construction project. After considering how best to approach that, I think the two best approaches would be to: 1) prepare (or revise existing) Rules of the Board to delineate roles and responsibilities generally; and 2) prepare a "procurement plan" for the project which could be shared with the Board. I think both of these approaches will be more effective than a specific presentation to the Board, but we can discuss further.

**Estimated Hours / Budget**

Estimating hours for a project like this is challenging for a number of reasons, including the unpredictable nature of coordination between multiple team members, multiple parties reviewing various documents, and unplanned challenges such as scope changes and permitting issues. Nonetheless, here is my best estimate for the hours required for the scope, and the related budget:

	<b>HOURS</b>	<b>RATES</b>	<b>BUDGET</b>
• Partner hours:	110-160	\$535	\$58,850 - \$85,600
• Senior Counsel hours:	40-60	\$483	\$19,320 - \$28,980
• Associate hours:	140-200	\$431	\$60,340 - \$86,200
		<b>TOTAL BUDGET</b>	<b>\$138,510 - \$200,780</b>

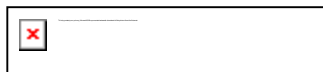
Please let me know if you have any questions about this proposal. Thanks again for reaching out about this opportunity.

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**David S. Gehrig**

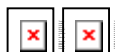
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**BOARD OF DIRECTORS OF DEL PUERTO HEALTH CARE DISTRICT****Board Meeting – Thursday, August 17, 2023****10E. Resolution Authorizing Purchase of Real Property****Page 1 of 2**

Department: Chief Executive Office

CEO Concurrence: Yes

Consent Calendar: No

4/5 Vote Required: No

**SUBJECT:** Consider Resolution Authorizing Purchase of Real Property

**STAFF REPORT:** The resolution pertains to the Del Puerto Health Care District's intention to acquire a specific property at 821 E Street, Patterson, Stanislaus County, California, identified by Assessor's Parcel Numbers 000-131-024-008. This acquisition is driven by the public interest and the District's need to enhance ambulance emergency medical services and healthcare offerings. The Board grants authorization for District staff to initiate a Real Estate Purchase Agreement with the property owner, Patterson Joint Unified School District, facilitating the acquisition and necessary procedures to facilitate the transaction. The final purchase details will return to the board for ratification.

**DISTRICT PRIORITY:** Ensuring services for the community as it grows**FISCAL IMPACT:** TBD**STAFFING IMPACT:** Authorization to negotiate on behalf of DPHCD for land**CONTACT PERSON:** Karin Freese**ATTACHMENT(S):** Resolution 2023-14**RECOMMENDED BOARD ACTION:**

ROLL CALL REQUIRED: YES

RECOMMENDED MOTION: *I move the Board of adopt Resolution 2023-14 Authorizing Purchase of Real Property.*

<i>Motion Made By</i>	<i>Motion</i>	<i>Second</i>
<i>Director Avila</i>		
<i>Director Campo</i>		
<i>Director Benefield</i>		
<i>Director Stokman</i>		
<i>[vacant]</i>		

<i>Roll Call Vote</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>

**BOARD OF DIRECTORS OF DEL PUERTO HEALTH CARE DISTRICT**

**Board Meeting – Thursday, August 17, 2023**

**10E. Resolution Authorizing Purchase of Real Property**

**Page 2 of 2**

<i>Director Avila</i>				
<i>Director Campo</i>				
<i>Director Benefield</i>				
<i>Director Stokman</i>				
<i>[vacant]</i>				

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**DEL PUERTO HEALTH CARE DISTRICT - RESOLUTION NO. 2023-14**

**RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY**

**WHEREAS** Section 32121 of the Health & Safety Code authorizes the Governing Board of any Health Care District to purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description within and without the limits of the district, and to control, dispose of, convey, and encumber the same and create a leasehold interest in the same for the benefit of the district; and,

**WHEREAS**, the Del Puerto Health Care District (“District”) proposes to acquire certain real property located at 821 E Street, Patterson, Stanislaus County, California, California, identified as Assessor’s Parcel Numbers 000-131-024-008; and

**WHEREAS**, the public interest and necessity require the acquisition of said real property for the purpose of maintaining and expanding ambulance emergency medical services and other healthcare services carried out by the Del Puerto Health Care District; and,

**WHEREAS**, the Board authorizes the District authorized staff to enter into a Real Estate Purchase Agreement with the property owner, Patterson Joint Unified School District., the owner of record for the Identified Property and for the purchase of the same, and authorizes the District to take any and all actions necessary to sign, purchase and close the transaction;

**NOW, THEREFORE, THE GOVERNING BOARD OF THE HEALTH CARE DISTRICT FINDS, DETERMINES, AND RESOLVES AS FOLLOWS**, that the Board of Del Puerto Health Care District finds and concludes that the land and property rights within the City of Patterson, Stanislaus County, California, as referred to herein as the Identified Property (APN 000-131-024-008) and legally described 821 E Street, Patterson, California hereto, are necessary for expansion and growth of community health care services, subject to making or paying just compensation to the owners thereof in the manner provided by law; and

**BE IT FURTHER RESOLVED** that the Board of Del Puerto Health Care District finds the use of the Identified Property for expansion of the Del Puerto Health Care District property at 875 E Street, to be a public use and specifically finds the acquisition of the Identified Property to be necessary and in the best interests of the citizens; and

**BE IT FURTHER RESOLVED** that the Board of Del Puerto Health Care District hereby authorizes the District staff to take all actions necessary, including signing all necessary paperwork, to acquire the Identified Property; and

- (1) Purchase real property located at 821 E Street, Patterson, CA 95363, and
- (2) To pay all the title fee costs for said purchase.