



**RANCHO SANTA FE FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING
AGENDA**

Rancho Santa Fe FPD
Board Room – 18027 Calle Ambiente
Rancho Santa Fe, California 92067

October 31, 2011
SPECIAL MEETING 10:00 AM

RULES FOR ADDRESSING BOARD OF DIRECTORS

Members of the audience who wish to address the Board of Directors are requested to complete a form near the entrance of the meeting room and submit it to the Board Clerk.

Any person may address the Board on any item of Board business or Board concern. The Board cannot take action on any matter presented during Public Comment, but can refer it to the Administrative Officer for review and possible discussion at a future meeting. As permitted by State Law, the Board may take action on matters of an urgent nature or which require immediate attention. The maximum time allotted for each presentation is FIVE (5) MINUTES.

Pledge of Allegiance

1. Roll Call

2. Public Comment

3. Closed Session

- a. With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:
 1. LIABILITY CLAIM
Claimant: Rexel, Inc.
Agency claimed against: Rancho Santa Fe Fire Protection District
- b. Potential Litigation (1) Case – Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: *one (1) case*
- c. With respect to every item of business to be discussed in closed session pursuant to Section 54957:
PUBLIC EMPLOYMENT
Title: Fire Chief

4. New Business

- a. Liability Claim – Rexel, Inc.
To discuss and take action pursuant to government code section 913 to a liability claim filed by Rexel, Inc.
ACTION REQUESTED: **Accept or Reject**

5. Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, please contact the Secretary at 858-756-5971. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to assure accessibility to the meeting.



RANCHO SANTA FE FIRE PROTECTION DISTRICT
Board of Directors Special Meeting – Agenda
Monday, October 31, 2011 10:00 a.m. PDT

CERTIFICATION OF POSTING

I certify that on October 28, 2011 a copy of the foregoing agenda was posted near the regular meeting place of the Board of Directors of Rancho Santa Fe Fire Protection District, said time being at least 72 hours in advance of the meeting of the Board of Directors (Government Code Section 54954.2)

Executed at Rancho Santa Fe, California on October 28, 2011

Karlana Rannals

Karlana Rannals
Board Clerk

CLAIM FOR DAMAGES

The California Government Claims Act
(Gov. Code § 910.4)

To: Rancho Santa Fe Fire District
Clerk of Board of Directors
18027 Calle Ambiente
Rancho Santa Fe, CA 92067

Via Certified Mail Return Receipt Requested

Claimant: Rexel, Inc.
Care of Brandon J. Vegter, Esq.
Wright, Fulford, Morehead, Brown
501 West Broadway, Suite 1260
San Diego, California 92101
Telephone: (619) 234-1300

Claim Information:

Date of Occurrence or Event from Which Claim Arises: July 2011

Location: Fairbanks Ranch Fire Station #3 Upgrade, 6424 El Apajo, Rancho Santa Fe, CA.

Particular Occurrence, Event, Act or Omission You Claim Caused the Injury or Damage:

Rancho Santa Fe Fire District failed to pay Rexel, Inc. by and through its prime contractor Ledcor Construction and/or subcontractor Fitzpatrick Associates for electrical and datacom materials supplied and incorporated into Fairbanks Ranch Fire Station # 3 project. Rexel Inc. is owed principal plus interest and attorneys' fees for the electrical and datacom materials supplied to the District's fire station. Chris Galindo, Captain, is the District's point of contact for the fire station upgrade.

Rexel has filed bond notices and stop claim notices on the project.

State how or wherein the Rancho Santa Fe Fire District or its employees were at fault:

The Rancho Santa Fe Fire District has been unjustly enriched by accepting electrical and datacom materials supplied and incorporated into the Fairbanks Ranch Fire Station project without paying Rexel for the materials, entitling Rexel to restitution. Rexel also claims the Rancho Santa Fe Fire District should be estopped to deny delivery of the electrical and datacom materials. Upon information and belief, Rexel asserts the District accepted its prime contractor Ledcor's billing

for Rexel's materials, but Ledcor and/or the District refused to release payment to Rexel, causing Rexel to rely and/or forebear filing a lien based on the promise of payment. Ledcor unjustly refused to release payment to Rexel in July 2011 without an unconditional waiver of claims.

Damages Claimed:

Rexel provided the District with its statement of account and invoices for the Fairbanks Ranch Fire Station upgrade on August 26, 2011.

I have read the matters and statements made in the above claim and I know the same to be true from my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

Dated: September 19, 2011 at San Diego, California.


Brandon J. Vegter, Esq.

cc: Stephen J. Fitch, Esq./Fitch & Associates