



“CONSTRUCTING A WAY FOR A BETTER FUTURE”

ECA NEWSLETTER

JOHNS SOAPBOX



Here is the normal disclaimer-I am not espousing the opinion of the ECA or any member firm in this Soapbox-these are my own tortured opinions. Only mine.



“School Construction-Lease

Leaseback-Don’t Do It!”

Last week, the California Supreme Court [issued a unanimous decision](#) in a very complex – but very important – case that had been percolating for more than a decade, dealing with how local school officials evade competitive bidding on construction projects.

This has, and is, and will, affect many of our ECA members that participate in school construction projects.

The basic scheme allowed school districts to lease a school site to a contractor for a nominal sum, then the school district contracts with the contractor to build the improvements for a specific amount paid for by leasing back the school site from the contractor over a period of time (sometimes several decades).

This “Soapbox” has dealt with this issue for many years (it is so complicated, and it has been so “up in the air”, I have only written about it two or three times-each time warning contractors they might build the projects, get paid for their contract, and if the courts rule this is an illegal way of issuing the work without bidding on it, the contractor could be forced to give the district back all of their contract money-my consistent message has been “Don’t Do It”).

At this point, the “lease-leaseback” method of no-bid construction award is deemed illegal by the State Supreme Court. I am sure there will be some

other legal issues that come from this, such as possibly holding contractors harmless. Those issues have not been adjudicated yet.

That’s All Folks!
John

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COMMITTEE NEWS & INFORMATION

2023 BOARD OF DIRECTORS

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Government Affairs Committee: Led by Chairman Art Deicke, currently has a PAC balance in excess of \$10,000.

Art and the GAC has been busily setting up some key meetings:

Rebecca Hermosillo will meet with the GAC on 5-18-23 at NCBE small conference room from 3:30 pm to about 4 or 4:15pm. Rebecca is a candidate for Susan Gorin's Supervisor Seat in the Sonoma Valley area. We look forward to meeting Rebecca and talking about issues with her.

Damon Connolly will meet with the GAC on 5-19-23 @ his office (50 D Street, State Building, Santa Rosa) from 3:00pm for 30 minutes. Damon is our District 2 State Assemblyman representing Marin County as well as Rohnert Park and Petaluma. There is a chance for those interested to "virtually meet" Damon Connolly on May 17, at 1:45pm via Zoom. Link is <http://us02web.zoom.us/j/84003126986>.

Specification Committee-led by Dale Smith and Casey Wood, and with help from Bob Harder, has been busy meeting with City of SR staff members, engineers, and the North Coast Water Agency to revise Low Impact Development standards that affect many of our projects. On Tuesday at our Board of Director meeting, we will get an update on the 3 meetings held in the last month and what our "next steps are". Many thanks to all that participated, and Geoff Coleman has been very instrumental as has Brett Wilmes in getting some items clarified and modified moving forward.

Because of the work done on LID issues in the last 30 days, both Casey and Dale decided to cancel the regular May Spec meeting so the next regular spec committee meeting will be held July 19 at 4-5:30 pm in the NCBE Board room. Reminder-Spec Committee meetings are every other month not every month. Always the 3rd Wednesday of every other month.

Car Show Committee-led by Chair Walt Turner has met and is in control of the Father's Day Car Show to be held on Sunday, Father's Day, June 18 at Julliard Park in Santa Rosa. Entry and sponsor forms can be found here [Registration Flyer](#) to [Sponsor Flyer](#)

The ECA Golf Tournament Committee with Victor McKnight and Dave Weller (along with the ECA Exec Committee), is signing up golfers and will be held at Windsor on Friday, July 21, tee off is at 1:00pm. It is filling up fast so get your reservations in! Sponsorship and signup forms can be found right here [Registration Flyer](#)—[Sponsor Flyer](#)

The ECA Days of Wine and Dozers Auction Committee has been busy and is gearing up for the auction night on Saturday, September 16, 2023. To sponsor click [HERE!](#)

Continued on page 3

Committee News & Information—continued from page 2

Community Relations Committee-The following date is reserved for Smith Dollar, et al. to volunteer together as a team at the Redwood Empire Food Bank:

Friday, May 19th

2pm-4pm

Redwood Empire Food Bank, 3990 Brickway Blvd., Santa Rosa

Below is the signup link to register to volunteer. Each volunteer must personally register with this link. Please also let me know if you will be joining us. We currently have 15 spots reserved but can adjust, if necessary.

[Smith Dollar PC and Partners | 2pm-4pm | May 19th](#)

For Team Page Donations click [HERE!](#)

Check out this video on the **Jamie Lane project**—Click [HERE](#)

ECA Executive Committee-next meeting 11 am on May 16, 2023.

ECA Board of Directors – next meeting 12pm on May 16, 2023. Special guests will be City of Santa Rosa City Manager Maraskeisha Smith, Assistant City Manager Jason Nutt and City legal counsel. This will be a SPECIAL Board Meeting with a SPECIAL presentation regarding Project Labor Agreement policy for the City of Santa Rosa Public Works contracts in excess of \$500,000. The City has been working on a PLA policy for over a year, and we are pleased that they are willing to come and let us know what will be in the policy before it becomes public. I have reached out to several stakeholders to invite them to this meeting as the information will affect their businesses. If you think you would like to attend, please contact me as space is limited. Thank you!

Event News

Sunday, June 18

Father's Day "Show & Shine" Car Show, Julliard Park, Santa Rosa

[Registration Flyer](#) to [Sponsor Flyer](#)

Friday, July 21

ECA Golf Tournament, Windsor Golf Course, Windsor, CA [Registration Flyer](#)—[Sponsor Flyer](#)

Saturday, September 16,

ECA Wine & Dozers Event—Graton Rancheria—To sponsor click [HERE!](#)



Diane AQUI, Smith Dollar PC &
Art Deicke, Environmental Pollution Solutions

We want to highlight a member each week. What we need from you is a short paragraph on what is happening at your company. New employees, new logo, a new move, exciting new equipment! What ever you want to share about your company with our members.

Email mary@nceca.org with your spotlight information and send in photos if you have them!

North Bay Job Fair

northbayjobfair.com

May 17

2:00-4:30

Luther Burbank Center for the Arts

\$650- Table + Resumes of Seekers

\$1,100- Upgrade to add 30 30-second
Radio Ads!

REGISTER NOW

Job Seeker's Resumes will be shared with Businesses
so you can communicate BEFORE the Job Fair!

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SEPT. 9TH 2023
CHRIS BECK ARENA, SANTA ROSA FAIRGROUNDS
GATES OPEN AT 1:00PM

Click [HERE](#) for more information on the Tractor Pulls!

ECA 2023 UPCOMING EVENTS

Sunday, June 18

Father's Day "Show & Shine" Car Show, Julliard Park, Santa Rosa

Platinum Chevrolet—Showcase Sponsor

Herc Rentals Trench Plates—Donation

Pacific Sanitation—Donation

[Registration Flyer](#) to [Sponsor Flyer](#)

Friday, July 21

ECA Golf Tournament, Windsor Golf Course, Windsor, CA [Registration Flyer](#)—[Sponsor Flyer](#)



Thank you Sponsors!

[Argonaut Constructors](#)—Showcase Sponsor

[Ghilotti Construction](#)—Showcase Sponsor

[Exchange Bank](#) - Lunch Sponsor

[Peterson CAT](#) - Award Sponsor

[PACE Supply](#) - Golf Balls & Towels

[Aaction Rents](#) - Putting Sponsor

[Ghilotti Bros. Inc.](#)—Cigar Sponsor

[BoDean Company](#) - Golf Cart Sponsor

[Atlas Tree Surgery](#)—Hospitality Hole

[California Equipment Company](#)—Hospitality Hole

[George Petersen Insurance](#)—Hospitality Hole

[Personal Asset Brokerage](#)—Hospitality Hole

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[Peterson Trucks](#)—Hospitality Hole

[Cresco Equipment Rentals](#) - Promotional Hole Sponsor

[Landesign Construction & Maintenance](#)—Promotional Hole Sponsor

[Devincenzi Concrete Construction](#) - Raffle Sponsor

[Empire Construction & Engineering Co. Inc.](#) - Golf Cart Sponsor

[Kadon Trucking](#) - Award Sponsor

[Newfront](#)—Beverage Cart

[Smith Dollar PC](#) - Award Sponsor

[Toby's Trucking](#) - Driving Range Sponsor

[Adobe Associates, Inc.](#) - Beer Cooler Sponsor

[BKF Engineers](#)—Beer Cooler Sponsor

[Herc Rentals Trench Solutions](#) - Beer Cooler Sponsor & Tee Sponsor

[J.M. Turner Engineering, Inc.](#)—Tee Sponsor

Saturday, September 16,

ECA Wine & Dozers Dinner & Auction—Graton Rancheria

To sponsor click [HERE!](#)

WORKER'S COMPENSATION

Worker's Compensation Endorsement By ECA-

HELLO!!! HAVE YOU ASKED YOUR HUMAN RESOURCES PERSON TO CHECK OUT THE WORKERS COMP PROGRAM ECA HAS ENDORSED? Everybody likes to save money, don't they? Doesn't cost you a thing to consider this as an option! Jeff Okrepkie at 707-360-4338.



George Petersen Insurance Agency

FIRE CLEAN UP LIST:

The Sonoma County Environmental Health Department, Transportation and Public Works, and James Gore's office are utilizing the ECA as a resource for debris testing, and debris cleanup for fire victims from the Kincade Fire. Please review the list that has been provided to the fire victims and the County, of ECA Firms that are interested and listed in various categories as being helpful in the fire aftermath. This is another benefit for ECA members and if you want to be included on the list, and are not, please contact mary@nceda.org. There is no charge for this. You can access the list by clicking [HERE](#)

EMERGENCY RESPONSE MANUAL

The updated 2023-2024nEmergency Response Manual is now available online!

In the event of an emergency, we have put together this manual to help our community receive quick service from our members.

Thank you to our sponsors for helping to get this manual completed. It is sent to city and county agencies in case of an emergency so they will know who to call for services, equipment and materials.

Click [HERE](#) for the manual.

IMPORTANT INFO:

Get Prepared Now! Here are some very useful tips from CalFire to get your own house/property "in shape" for fire season. [link](#)

Pocket Guide for CALOSHA For Contractors: Click [here](#) for the pocket guide you all need!

Roadwork in Sonoma County - Check out the County website for road info [here](#)



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From the Desk of Jim Persons

Critical Incident Procedures

Purpose: To develop a plan to be used in the event of a serious injury or death in the workplace.

Cal-OSHA Requirements:

A report must be made immediately by telephone (within 8 hours) to a district office. Employers are allowed 24 hours if they can show that circumstances prevented the report from being made in 8 hours. Note: A serious injury or illness is defined as one that requires inpatient hospitalization for more than 24 hours of care other than medical observation or as one in which an employee suffers a loss of a member of the body or a serious degree of permanent disfigurement.

click [HERE](#) for the rest!



Expert COVID-19 Safety info Available at a Discount

The Shelter in Place Orders issued by County Health Officers in Sonoma, Napa, and Mendocino - as well as the Governor, have highlighted for the building industry the need for all contractors to have an up-to-date written COVID-19 Exposure Control Plan.

This should be an addendum to your IIPP and safety meetings for COVID-19

Jim Persons, SafetyPride, an ECA member who serves as a consultant and safety instructor for ECA, is offering his services to our members and they will receive a 40% discount on his regular rates if you are a current member of ECA.

Contact Jim if you are interested in getting his help on COVID-19 related issues or other health and safety programs. email: jimpersons@safetypride.com or phone: 707-889-0881

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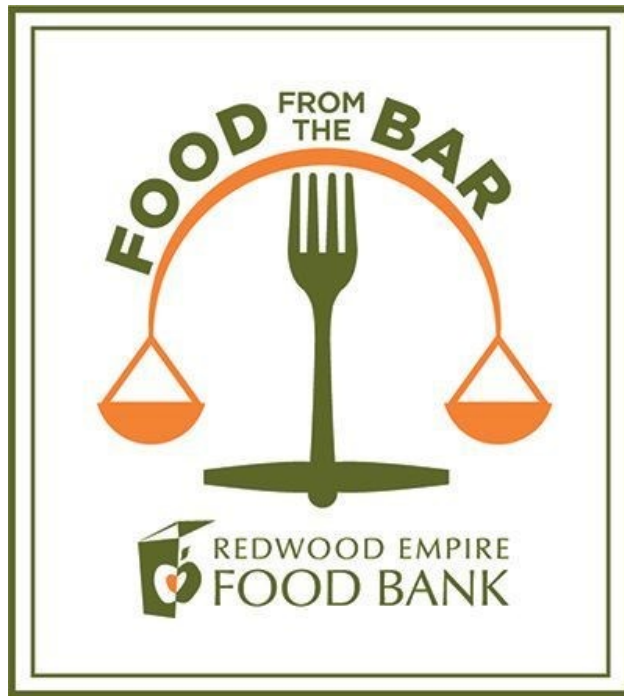
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Throughout the month of May, the local legal community will come together for one purpose: to end hunger in Sonoma, Lake, Mendocino, Humboldt, and Del Norte counties where one in six people is at risk of hunger.

Participating firms, companies, and bar associations enter a friendly competition to see who can raise the most funds and volunteer the most hours for the Redwood Empire Food Bank.

Click [here](#) for more information. And click [HERE](#) for the link to donate!!!

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[Smith Dollar PC and Partners | 2pm-4pm | May 19th](#)

CPR / First Aid

Tuesday, June 6

9 am—noon

Training includes bleeding control, strokes, seizures, broken bones and other life-threatening emergencies. Adult/child/infant CPR & airway obstruction management covered. This course is designed as both a course for first-timers and as a refresher.

Click [HERE](#) for Flyer

ON DEMAND TRAINING

On Demand Training service provides relevant and targeted training, certification, or education when you **NEED IT NOW!**

Classes can be organized quickly so you can quickly get your employees back to work. In addition, business demands require flexibility. This service provides greater flexibility and added value. Classes can be set up at your facility or at the training room in Santa Rosa

Part of this **on-demand service** is a viable alternative to **in-house training** because it is designed for situations where only **one, two, three or four** people that need training. Importantly, this training can be very cost effective. We can combine the classes with other companies that need the training or you can have your own company class.

Whether you're in search of workplace safety training to meet OSHA compliance requirements, Competent Person, Trench Safety, Confined Space, CPR/First Aid initial or update training or implementing a Safety Program ECA can help!

The best way to beat an OSHA citation is to never get one at all.

Email mary@nceca.org to set up a class today If you don't see a class you need listed please contact me.

CPR / First Aid: 3 hrs - \$95 per person

Confined Space: 3 hrs - \$150 per person

Competent Person / Trench Safety: 3 hrs - \$125 per person

Flagger Safety Training: 2 hrs - \$125 per person

Sexual Harassment—1 hr for Employees—\$25 per person ~ 2 hrs for Supervisors \$35 per person



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NEWS YOU CAN USE

1. **SRJC Training Center Finally Breaks Ground**-[After years of delays, SRJC breaks ground on construction training center \(northbaybusinessjournal.com\)](#)
2. **Marin County Workforce Training For Latinos Gets Some Grant Help**-[Marin County workforce training program for Latinos supports local bus driving, construction education \(northbaybusinessjournal.com\)](#)
3. **Staunch Organized Labor Opposition to Affordable Housing Showing Signs of Compromise**-[Cracks in California labor coalition raise hopes for YIMBY breakthrough on housing bill \(northbaybusinessjournal.com\)](#)
4. **Marin Water Shortage Solution?**- [Marin Municipal Water District seeks \\$200,000 grant for desalination study \(northbaybusinessjournal.com\)](#)
5. **Big MMWD Water Rate Hike**-[Marin Municipal Water District defends plan for huge rate hike \(marinij.com\)](#)
6. **SMART Has Avoided the Fiscal Cliff Other Public Transit are Experiencing:** [Dick Spotswood: SMART train officials did well to avoid fiscal cliff facing some public transportation districts – Marin Independent Journal \(marinij.com\)](#)
7. **Newsom Plan to Cover \$32 billion Deficit**-[California budget deficit: Newsom's solution-CalMatters](#)
8. **CARB Approves Phasing Out Diesel Trucks**-So What's Next? [California phases out diesel trucks: What next? - CalMatters](#)
9. **Suzanne Smith is set to retire from Sonoma County Transportation Authority**- Suzanne will be missed! [Longtime Sonoma County transit, climate leader retiring \(pressdemocrat.com\)](#)
10. **Long time ECA members Helmer and Sons have decided to retire and not renew their ECA membership.** These are two fine gentlemen that have long been practicing good contracting from their office and yard up in Angwin, CA. Dennis and others used to go down to Cabo (me included!) and ride ATV's in the sand dunes along the ocean. Guys-from the ECA to you-ENJOY RETIREMENT AND THANKS FOR ALL THE MEMORIES AND SUPPORT!

Northern California Engineering Contractors Association

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Mary Kennedy Cabrera, Member Services Director
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