# BOARD OF DIRECTOR'S MEETING
# ESPARTO COMMUNITY SERVICES DISTRICT
# ESPARTO, CA

REGULAR MEETING
FEBRUARY 19, 2014
MINUTES

## (1) CALL TO ORDER

Chair Steve Knightley called the meeting to order at 7:01 pm.

## (2) PLEDGE OF ALLEGIANCE

All residents and members in attendance recited the pledge

## (3) ROLL CALL

**Present:**

- Directors: Charles Schaupp, Steve Knightley, Colleen Fescenmeyer, Don England
- District Counsel: Not present
- General Manager: Mel Smith
- Board Clerk: Mel Smith

**Absent:**

- Anna Girk

**Public:** present

## (4) APPROVAL OF AGENDA

Chair Steve Knightley called for a motion to approve the agenda.

**Motion by:** Director Colleen Fescenmeyer to approve the agenda as presented
**Second by:** Director Charles Schaupp
Discussion: None

**Vote:** **Ayes:** 4 **No:** 0 **Abstain:** 0 **Motion:** Passed

## (5) PUBLIC COMMENTS

Chair Steve Knightley opened public comments –

Community member had the following questions:

- Who determined the ballots that were not turned back in became a yes vote.
- Some people did not receive ballots, referenced the Spanish speaking home owners; ballots were not sent out in Spanish.

Melissa Jordan: interjected, not correct, if owner does not choose to vote, renters can vote, however they had to attend one of the community meetings in order to get a ballot.

- Why were the ballots received through the mail counted separately from those in person. Was told this happened.
- How does the renter know that the property owner didn't vote if they don't get a notice telling them they can vote?

General Manager addressed all questions.

7:10 pm - Director Anna Girk arrives

Melissa Jordan: This is a public record request. When the ECSD was putting together the metered rate proposal, one of the things that stood out was there was a resident using 1360 units of water on an average per month when a normal high usage would be 60 units, that's enough to water 1000 houses. It was dropped off the metered rate study. We didn't follow the money, I say we because of my time on the water board, when I was the chair, I was offered a free breeding to his world championship quarter horse to my mare by our General Manager, Mel Smith; I couldn't do that because it didn't pass the smell test for a minute. At some point after that, Mel said to me. Melissa, I can't get you pegged, I have the other board members figured out but I can't peg you. I'm pretty straight forward, I'm exactly what I say and I try to do what I believe. Sometimes I get to thinking that everyone operates by the same standards as I do. This last fall my partner Dan was offered a very lucrative job, which I made you aware of Steve, to remodel the sail boat of the General Manager. It would have been great if I weren't a board member, but since I was Dan had to decline it would have been ethically wrong of me to have voted on anything concerning the board if I had accepted a free breeding to Mel's horse or if Dan worked for Mel, neither passed the smell test. When I asked people at the CSDA they completely agreed with me. Now I want to follow the money and find out where that property is and that it is using 1360 units of water per month on average, because if it is, are the residence of the district subsidizing the water used by this residential customer, I want to know what the district has done to recoup from the resident, I want the community to be made aware of this and how this figured into the metered rates, 1360 units of water is far above the high norm of 60 units.

Community member posed another question on metered rates. Chair Steve Knightley asked that the question be directed to the General Manager after the meeting as this was a time reserved for comments.

## (6) CORRESPONDENCE

Chair Steve Knightley called for correspondence.

- Director Colleen Fescenmeyer referenced the training courses coming up.
- Director Charles Schaupp referenced receiving the graduation certificate from the CA Special District Assoc. and the certificate from the leadership academy; hopefully we can still get that paperwork in to get that scholarship.
  He also noted for the new board member the upcoming Web n R on AB1234 March 4 or 5; an on line course regarding Brown Act and ethics.
- Director Colleen Fescenmeyer: asked since three board members have completed the leadership training does if qualify for SDRMA discounts.

## (7) APPROVAL OF MINUTES

Chair Steve Knightley called for a motion to approve the minutes of 2-5-14 and revised minutes of 1-15-14

Chair Steve Knightley called for a motion to approve the minutes of 2-5-14

**Motion by:** Director Anna Girk to approve the minutes of 2-5-14 as presented
**Second by:** Director Colleen Fescenmeyer
Discussion: none

**Vote:** **Ayes**: 5 **No**: 0 **Abstain**: 0 **Motion:** Passed

Chair Steve Knightley referenced the reason for revising the minutes of 1-15-14. An error was made on a statement referencing the Prop 218 vote count. The audio tape was reviewed and found to be not completely audible for the whole statement. Antonia Hirson, Deputy to Supervisor Chamberlain indicated it was a comment she made and checking with the General Manager and Deanna the whole comment was not audible.

Chair Steve Knightley asked for a motion to approve amending the minutes of 1-15-14 to make the necessary correction.

**Motion by:** Director Charles Schaupp to approve amending the minutes of 1-15-14
**Second by:** Director Colleen Fescenmeyer
Discussion: none

**Vote:** **Ayes**: 4 **No**: 0 **Abstain**: 1 (England) **Motion:** Passed

## (8) CLAIMS: FUND 466-0: 2-3-14 and 2-10-14

Chair Steve Knightley called for a motion to approve the claims for 2-3 and 2-10-14

**Motion by:** Director Anna Girk to approve the claim funds for 2-3 and 2-10
**Second by:** Director Colleen Fescenmeyer

Discussion: none
Public Comments: Melissa Jordan: questioned the settlement of the Yolo/Solano Air Quality Board issue.
General Manager: on the Managers Report, revised settlement agreement drawn up by the County Counsel where there was no admission of guilt, we paid a $250 administrative fine.

**Vote: Ayes:** 5 **No:** 0 **Abstain:** 0 **Motion:** Passed

## (9) BOARD TO CONSIDER THE INSTALLATION OF SOLAR ARRAYS AT WELL NO. 1 AND WELL NO. 6 LOCATIONS

General Manager: this is a discussion item only unless the board wishes to take action on it. This was included in the budget under Capital Assets & Improvements, we appropriated funds for four solar arrays, to date only one has been installed. Would like to start at Well 6, Jason & I have been looking at a design using ground mounts. A solar array on ground mounts would not zero out the entire electricity cost. The roll back amount would be less than the current electric bill at Well 6, however to go with a bigger array we would have to make it a raised structure, and the cost of that would make our return on investment suffer.
Questions and discussion followed.
General Manager: indicated he would like to install a new security fence at the same time.
Question: Is the fence included in our budget
General Manager: No it is not included in the budget; the cost will probably fall well below the allocated amount for the solar array; would put it out to bid. We could re-allocate some of the funds for the other solar arrays to build the fence.
Chair Steve Knightley: it appears we need the fencing to protect the solar array.
General Manager: security fencing is as much a priority as the solar array. Would propose bringing the fencing back as an amendment to the budget.
Discussion followed
Public Comment: Questioned the fees and if this falls within public ordinances for the County.

## (10) BOARD TO DISCUSS AND GIVE DIRECTION TO GENERAL MANAGER RE: IDENTIFY AND DOCUMENT EXISTING SEWER LATERALS

General Manager: we have electronic version of work done by USDA project, The district does not have a program to open the files. I have an auto cad program that I installed , but it is an old version and would not let me open the files. The district needs an updated auto cad program to enable us to document any as-built along the way.
Director Charles Schaupp: I requested this be discussed in order to get our sewer system figured out. We need the get the unknowns figured out, we need to find out what happened in the 50's, 60's and 70's; and we need detailed maps to know who owns what. If we need a program to do it, then it is suggested we get a program.

Discussion followed
General Manager: referenced the camera we have that can be used to get the necessary information.
Discussion continued.
Chair Steve Knightley: questioned if we have funds in the budget to purchase the software program?
General Manager: indicated there is a large surplus in the IT category, not a lot in office supplies.
Chair Steve Knightley: asked General Manager to get some costs together and bring it back.

## (11) BOARD TO CONSIDER PROPOSALS FOR CHANGING THE START TIME OF EACH BOARD MEETING AND FOR RETURNING TO ONE (1) MEETING PER MONTH

Director Don England proposed a start time at 6:30 pm which would allow us to get done early. The late hour is hard for him to handle.
Chair Steve Knightley: I asked the General Manager to add changing to one meeting per month.
Concerns: family dinner hour, board members traveling a distance.
Chair Steve Knightley: we can stay the way we are for now and get the meetings done earlier and stay at two meetings a month. It appears 6:30 pm would be difficult for the public and members of the board. Will keep it the way it is for a few meetings and then revisit at a later date.

## (12) MANAGERS REPORT

a) Almond Festival Planning – planning taking place; did not get the signup sheet for board members. Chamber not assigning spaces until Sunday morning, expressed our desire to be in the same place. General Manager will be at the booth all day, board members to have two hour windows. Set up by 8:00 am. Discussion followed on the display.

b) Test Well Update – email received from Eaton indicating they are attempting to fit us into the schedule for the end of March first of April. We are attempting to get another driller who could do it for the same bid price; most of them booked. Did get one who could meet our schedule but not certain he could do for the same price? He will get back to us.
Chair Steve Knightley: we will need to check the rules to see if we can substitute a public bid.
Public Comments: Melissa Jordan: I have a concern, you called other drillers and they submitted a bid for this?
General Manager: no, they were given bid packets but none were submitted.
Melissa Jordan: Again at the time we only had one bid for that it would have been wise for the district to ask why. I still have concerns about

drilling a 1200 ft. deep well. Today I had some serious discussions with people regarding wells that are being drilled in the Capay Valley and causing other wells to go dry. If the deep well compromises Well 5, the shallow well next to it, it's going to be too late to say I told you so. I'm very concerned and I hope the district goes forward very carefully before draining our good well and allowing our good water to be mixed with brackish water.
General Manager: the time line from Eaton is not acceptable.
Public Comment: Melissa Jordan: Before you go out to another bid, you have to identify if there is legal liability for getting another bid. You have accepted a bid from Eaton to drill a test well; don't know if there is any legal liability or if the RFP sent out had a clause to indicate if the well was not drilled within x number of days or any time frame, Eaton has the bid on this and I think you're putting yourself at legal liability if you don't honor that contract. And there is the grant application submitted to the RWQB to put in a well at Well 3 and you would be compromising that grant and the potential for the state to assist this district if you proceed with drilling a well at Well 3. A lot of things to think about!
General Manager: we have to be proactive.
Discussion followed

c) Employee cost of living adjustment – General Manager would like to bring forward a cost of living adjustment for the employees. Not the manager. There has been no cost of living adjustment since 2011. We did put raises in the budget for the staff and manager. I will bring something in the form of a resolution at the next meeting.

d) YSAQMD Settlement – We met with county counsel, the AQMD staff and our counsel, a lot of heated discussion took place, I finally suggested we re-draft the settlement agreement where there is no admission of guilt and the district would pay the $250 penalty.

e) Meter mandate AB 2572 – General Manager indicated this assembly bill was enacted in 1991 and it initially started with meter mandates by 2025. I believe I have misstated this in the past but it is 2025. The part that pertains to the district is in 1991 they required all new houses to have water meters installed at the time of construction and then all houses that have water meters installed are to be billed for usage by 2010. A one year extension was allowed if you're doing a rate study and collecting data to establish your rates. This was required by 2011 which we missed. We now have our metered rates in place and are now in compliance.
Director Charles Schaupp: indicated he asked the General Manager to look into this and reiterated we are now in compliance. Community needed to know why we had to do metered rates.

## (13) FUTURE AGENDA ITEMS

a) GM Training
b) Strategic Plan
c) Additional Board Training
d) Balance Payment Plan
e) Solar numbers/Security Fence
f) Flood Control Maintenance
g) Managers Review
h) Budget Update
i) Calendar Update

**(15) ADJOURNMENT**

Chair Steve Knightley called for a motion to adjourn the meeting

**Motion by:** Director Charles Schaupp to adjourn the meeting
**Second by:** Director Colleen Fescenmeyer

**Vote: Ayes:** 5 **No:** 0 **Abstain**: 0 **Motion:** Passed

Meeting adjourned at 8:32 pm

Steve Knightley – Chair of the Board

Date: 3/5/14

Mel Smith - Board Clerk

Date: 3-5-14