

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

REGULAR MEETING
JANUARY 11, 2006

MINUTES

1. CALL TO ORDER: The meeting was called to order at 7:01 P.M. by Chairman Laurel Kieny.
2. ROLL CALL

MEMBERS PRESENT Mike Goodin, Laurel Kieny, Joseph Moreland

OTHERS PRESENT Anna McNamara and Representatives of Global Valley

MEMBERS ABSENT Barry Burns

The District Secretary noted that Director Jack Huie has put in writing his resignation.

Chairman Laurel Kieny requested of the Board to move item #10 before item #7, because of having representatives of Global Valley present.

3. APPROVAL OF AGENDA
Chairman Laurel Kieny made a motion to move item #10 before item #7 and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 1

4. PUBLIC COMMENT
No public comment.

5. APPROVAL OF MINUTES
Director Mike Goodin made a motion to approve the minutes as written of November 9, 2005 and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 1

6. APPROVAL OF CLAIMS

Director Joseph Moreland made a motion to approve the claims, fund 466-0 in the amount of \$13,743.49 and was seconded by Chairman Laurel Kieny.

Director Mike Goodin comments on the \$650.00 fine from the DOHS.

Director Goodin stated the fine was imposed upon the District even though nothing was wrong. Along with the DOHS being asked to waive the fine, which they could have done, they chose not to do. Director Goodin believed the reasons for continuing to impose the fine had something to do with Dave Herbst resignation. Director Goodin was very disappointed in the DOHS for seeing fit to fine the District \$650.00 for a contamination of the water supply which never occurred.

No further discussion.

Ayes: 3 Noes: 0 Absent: 1

Note: Item # 10 was placed before item # 7 on the agenda.

10. RE-REVIEW OF LEASE AGREEMENT WITH GLOBAL VALLEY

Chairman Kieny explained to the Board prior to the meeting he had a meeting with Global Valley and expressed the District's concerns, in regards to the attorney's fees being paid by Global Valley. Global Valley expressed to the Chairman they did not want an open end review by the attorneys.

The District Secretary stated to the Board the attorney would cost approximately \$340.00 - \$400.00.

Chairman Kieny explained to the Board, pending legal review the Board would set a cap of \$400.00 for the attorney's fees.

Chairman Kieny expressed another issue with item #1, exhibit B; easements. Because of the land being owned by the County, and only the tower being owned by the District, it will be impossible to give an easement. The District has ingress to, and egress from, on that sight through the County. Looking at the contract the Board felt the new contract would only be allowed the same 'ingress and egress.'

Chairman Laurel Kieny stated the Board struck part of item # 2 on page 8, the 12 foot easement, and left it at ingress and egress, to the property to the tower and the building. Also, below in the paragraph to take out, '12 foot wide "dynamic" utility easement to and from the Premises over, across and through Landlord's Property to construct, maintain, etc. will probably be taken out, pending review of the attorney.

Chairman Laurel Kieny also reviewed item #1, page 1; to change the wording of “easement” in that paragraph.

It was the agreement between Board and the Representatives of Global Valley that ingress and egress way all they would need.

The Board reviewed the dollar amount of \$300.00 per month, and agreed to keep that amount.

Global Valley agreed to have their attorney make the changes and would e-mail the final agreement to the district for final review by the district’s attorney.

Chairman Laurel Kieny made a motion that the Board accept the Tower Lease Agreement with Global Valley, and submit the agreement to the District’s legal counsel, with a cap of \$400.00, noting the language will change on the easement issues, taking away the easement issues and inserting ingress and egress rights for Global Valley to the sight and upon completion of counsels review, as to acceptability of the contract by the District, to allow the Chairman to give signature to the agreement.

The Secretary asked if this will need to be brought back to the Board. Director Goodin stated if there are no objections after the attorney review the agreement then Chairman Laurel Kieny would have the motion to sign without coming back to the Board.

Director Mike Goodin seconded the motion.

No discussion.

Ayes: 3 Noes: 0 Absent: 1

7. **ONGOING REVIEW OF SITUATION AT WELL #5**
No action was needed.

8. **REVIEW OF AGREEMENT WITH BARTIG BASLER & RAY TO PERFORM AUDIT OF 2004/2005, NEEDED FOR THE USDA LOAN**
Director Mike Goodin thanked Anna McNamara, Secretary of district, for her help in researching for an auditor who could perform a cheaper audit, which could be done in a timelier manner.

The District Secretary reviewed the recommendation from all of the research performed.

Director Goodin commented on the recommendations made, and expressed his satisfaction of effort to try to find someone cheaper and who could perform the

audit earlier, and felt the proposed Bartig Basler & Ray would be the best option at this time.

Director Goodin questioned if the audit money will be able to come out of the USDA loan money.

The District Secretary stated she believed so. Also, that when the District does receive the USDA loan, the District will be required to perform annual audits and would probably be able to have them done in the late summer or early fall, which is not 'tax season' and should therefore save the District some money, because the auditor won't be as pressed for time.

Director Joseph Moreland made a motion to accept the agreement with Bartig Basler & Ray to perform the audit 2004/2005 needed for the USDA loan, and was seconded by Director Mike Goodin.

No discussion.

Ayes: 3 Noes: 0 Absent: 1

9. BOARD ELECTION OF OFFICERS FOR CHAIRMAN AND VICE CHAIR (VICE PRESIDENT)

Chairman Laurel Kieny apologized for the election taking an extra month.

Chairman Laurel Kieny opened the nominations for Chairman and Vice Chair (Vice President).

Director Mike Goodin made a motion to nominate and retain the present Chairman and Vice Chair (Vice President), and was seconded by Chairman Laurel Kieny.

No discussion.

Ayes: 3 Noes: 0 Absent: 1

11. ALARM SYSTEM THROUGH AN OUTSIDE COMPANY

Maintenance Person, Mike Hayes, commented on the need for the district to continue services with Bryon Hush and have his emergency alarm system on to warn the District of low water pressure problems, for a fee of \$15.00 per month.

The Board discussed how to deal with the billing and agreed that the district could pay as Bryon Hush submitted his invoices to the District.

The Board questioned the mechanics of the system, also asked if we could set the pressure to be at what ever the District wanted, 30 psi, preferably, and asked the Maintenance Person to attach a flowing pressure gauge, which Mr. Hayes agreed to do.

Chairman Laurel Kieny made a motion to accept the services from Bryon Hush in the amount of \$15.00 for the low pressure alarming system, to be tested monthly and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 1

Note: The Chairman requested to address items # 13 and item # 14 before the closed session item # 12.

The District Secretary made note to the Board that she had received a letter of recommendation of one of the applicants and had presented it in front of the Board at the meeting.

Director Mike Goodin asked if there was anyone in the Public who came in regards to this agenda item.

The District Secretary announced there were a couple of people who had come to the meeting who have applied for the positions at the District, and asked them to introduce themselves.

Russell Van Voorhis, here about the General Manager position along with Jason Findley for the Assistant Maintenance Person position.

Director Goodin requested the District Report, item # 13, and the District information and correspondence, item # 14, be done now, prior to the closed session, and then everybody could leave and not have to wait.

13. DISTRICT REPORT - GIVEN BY ANNA MCNAMARA (DISTRICT SECRETARY) AND MIKE HAYES (MAINTENANCE PERSON)

The District Secretary stated to the Board;

- 1) Joseph Moreland has been officially approved by the Supervisor's meeting to be a Board member for the Esparto Community Services District.
- 2) The DOHS approved the Bacteriological Sampling Plan for the District, which Mike Hayes revised, per the DOHS, after receipt of an official letter of approval, which noted, has changed from 3 sites to 4 sites. Now with a rotation of 2 sites one month, and 2 sites the next month, each month to have one sample done on the first week, and the other done on the third week.
- 3) The Special District Risk Management Authority (liability insurance) agreed that if Andy Anderson trades time with the District, when he is working for the District he would be covered.

The District Maintenance Person reported;

1) Damage to the Ponds over the last week due to the storm. Mr. Hayes passed out some pictures taken out during the storm showing the flooding, and about 100 feet of new fencing.

Director Mike Goodin questioned if the ponds overflowed.

Mr. Hayes stated, "No," other than the freeboard, just the fencing.

Director Mike Goodin asked Mr. Hayes if he could repair the fence himself.

Mr. Hayes stated, again, "No," because the District does not have the tools to do the work

Chairman Laurel Kieny requested the Maintenance Person make the claim to the Insurance to cover any damage to the WWTF.

2) A water leak at Bruno Court, the service was run under the 18 inch storm drain, causing it to ware a hole in it. The leas has been fixed, which has been slurried up to the road top and John Gwerder will come back in the spring, when Syar is mixing black top, and finish the work.

3) Prices and types of trucks available for a new district truck, ranging from \$24,000.00 to \$34,000.00, also, the Diamond Chrysler program, which the District ended up not qualifying for.

14. DISTRICT INFORMATION AND CORRESPONDENCE

The District Secretary informed the Board of a Board Training pamphlet which was presented to the Board before the meeting.

Closed session convened at 7:59 p.m.

12.

REVIEW OF APPLICATIONS FOR AVAILABLE POSITION OF GENERAL MANAGER AND ASSISTANT MAINTENANCE PERSON

Closed session reconvened into open session at 9:30 p.m.

Report of closed session:

Board directed staff to set up a special meeting on January 21, 2006 commencing at 11:00 a.m., closed sessions, for the applicants of Assistant Maintenance Person and 1:00 p.m. for the applicants of General Manager/Superintendent. Board will provide to the Secretary on who to invite.

9. ADJOURNMENT

Director Joseph Moreland made a motion to adjourn the meeting at 9:37 p.m. and was seconded by Director Mike Goodin.

No discussion.

Ayes: 3 Noes: 0 Absent: 1

Laurel Kieny-Chairman of the Board

Anna McNamara-Clerk to the Board
