

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

REGULAR MEETING
DECEMBER 14, 2005

MINUTES

1. CALL TO ORDER The meeting was called to order at 7:13 P.M. by Chairman Laurel Kieny.
2. ROLL CALL

MEMBERS PRESENT Mike Goodin, Laurel Kieny, Joseph Moreland

MEMBERS ABSENT Barry Burns, and Jack Huie

OTHERS PRESENT Anna McNamara, Dave Herbst, Linda Herbst, and Joe Garcia

Director Mike Goodin expressed his concerns about the procedures to follow in regards to the resignations, due to the elections period, of the Directors of the Board. He found the Director must put in writing to the Board of Directors their resignation, otherwise they still hold their seat until that seat is filled.

3. APPROVAL OF AGENDA
Director Mike Goodin made a motion to approve the agenda as written and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

4. PUBLIC COMMENT
No public comment.

5. APPROVAL OF MINUTES
Chairman Laurel Kieny made a motion to bring the November 9, 2005 minutes back to the January, 2006 meeting, and was seconded by Director Joseph Moreland.

Director Mike Goodin commented that the minutes need to be brought back to the

next meeting, per a provision at the next meeting.

The Secretary stated they *will* be presented at the next meeting, that she has been a little behind due to the General Managers absence.

No further discussion.

Ayes: 3 Noes: 0 Absent: 2

6. APPROVAL OF CLAIMS

Chairman Laurel Kieny questioned the \$6,000.00 payment to Bartig, Basler & Ray.

The District Secretary stated it was for the 03/04 audit.

Director Joseph Moreland made a motion to approve the claims, fund 466-0, in the amount of \$26,710.86 and was seconded by Director Mike Goodin.

No further discussion.

Ayes: 3 Noes: 0 Absent: 2

7. RESOLUTION TO DECLARE WELL #5 AND THE RELATED TANK AND BOOSTER PUMP STATION AN EMERGENCY SITUATION

Action stands.

8. BOARD REVIEWED CHANGES TO BE MADE TO THE GLOBAL VALLEY LEASE AGREEMENT

The District Secretary gave an overview of what Global Valley's counteroffer was.

The Board requested Dave Herbst recommendation on the matter.

Mr. Herbst recommendation was to request Global Valley to pay up to \$400.00 for the review of the agreement.

The Board requested the Secretary to call the attorney and find out what the costs will be.

Director Mike Goodin made a motion, pending the estimate from the attorney to review the agreement, along with the proposed changes made by Global Valley, be tabled until next months meeting and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

9. APPROVAL OF BARTIG, BASLER & RAY'S PROPOSED CONTRACT TO PREPARE THE DISTRICT'S AUDIT FOR FISCAL YEAR ENDING 05, NEEDED FOR THE USDA LOAN

The Chairman of the Board questioned the amount being charged.

The Secretary of the District gave information received from the Engineer and USDA representatives in regards to future audits.

Mr. Herbst stated this is also a very poor time of year to request an audit.

Mr. Garcia questioned if the Auditor's office could and/or would be willing to perform the audit.

Mr. Herbst suggested looking into the auditor which the District used prior to Bartig, Basler & Ray to see if they may be interested.

Chairman Laurel Kieny made a motion to table item #9 to the January meeting with the instruction to the District Secretary to contact the prior auditor of the district, along with the suggestion by the Secretary to call Mark Richardson of Dauwalder Engineering to see about any other suggestions and was seconded by Joseph Moreland.

Director Mike Goodin made the suggestion to have a special meeting to review the information the Secretary comes back with as soon as possible because of the need to expedite the USDA loan.

David Herbst expressed his frustrations with funding programs in general and how they seem to drag things on and on.

Chairman Laurel Kieny amended his motion, stating 'the next meeting of the Board', and was seconded by Director Mike Goodin.

No Discussion.

Ayes: 3 Noes: 0 Absent: 2

Amended motion;

Ayes: 3 Noes: 0 Absent: 2

10. REVIEW OF AGREEMENT, INCLUDING COSTS, FOR THE GROUND WATER ASSESSMENT REPORT FROM ECO:LOGIC

The District Secretary stated the item was placed on the agenda because the dollar amount came in higher than the previous General Manager had originally anticipated, from \$15,000.00 to \$16,800.00.

David Herbst reviewed the fact that this report was due three years prior, but because the District needed comprehensive data, which would take three years, Mr. Herbst has only now been here long enough to have that amount of data to give the company doing the report. Further stated that this report is needed for CRWQCB, Anne Olson, and that Mr. Herbst had been in contact with them and let them what the time frame would be and they were in agreement with that.

Director Mike Goodin made a motion to authorize the Chairman to sign the agreement, at the cost of \$16,800.00, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

11. **FLOAT DAYS; CHANGE OF DATES FOR THE DISTRICT EMPLOYEES TO USE THEIR FLOAT DAYS**

The District Secretary reviewed the float days with the Board and explained the reasons for asking for the delay in use.

Director Mike Goodin made a motion to allow the District Employees to postpone their Float Days in the next calendar year (2006), and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

12. **APPROVAL OF AN OVERSIGHT PERSON FOR THE TESTING AT THE WWTF AND TO ALLOW THE MAINTENANCE PERSON TO CONTINUE THEIR OIT**

The Board asked Mr. Herbst to give his recommendation, and stated to the Board that Anne Olson of the CRWQCB is aware of the fact that Mr. Herbst is no longer with the District but is on call to the Maintenance Person for questions. Also he will help in contacting Harold Welborn to look for an Oversight Person.

The Board reviewed with the Maintenance Person when he will be taking his test.

Chairman Laurel Kieny made a motion to table item #12 to the next meeting, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

13. **REVIEW OF REQUEST FROM RISE INCORPORATED TO STORE THE**

GARDENING SUPPLIES FOR THE COMMUNITY GARDEN AT THE DISTRICT SHOP GROUNDS

After a review by the Board and the Maintenance Person, the Board was in agreement to allow Rise Inc. to store their supplies there as long as they would put into writing a waiver of liability to the District for the supplies.

Chairman Laurel Kienny made a motion that the Board request Rise Inc. TO submit a waiver of liability of damage for storage of their supplies on District property, and the District Secretary check the District's insurance company to verify the proper wording of that waiver, and was seconded by Director Mike Goodin.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

14. APPROVAL OF MONEY NEEDED TO POST JOB ON JOBRESERVIOUR.COM

The District Secretary gave an overview of the applicants so far and where she *has* posted the applications.

Director Mike Goodin asked the District Secretary if she would call the County to see what their salary range is.

The Board and the District Secretary reviewed procedures to follow in the hiring process.

Chairman Laurel Kienny gave the District Secretary the go ahead to post job on the website, which falls under general housekeeping.

15. CANCELING THE NEXTEL CONTRACT AND CHANGING OVER TO SUREWEST

The District Secretary, Mr. Herbst and the Maintenance Person reviewed the costs associated with leaving Nextel, along with the problems the District has been having with the Nextel phone usage in the township of Esparto, and the costs associated with leaving.

The Board questioned the different plans and costs associated.

Chairman Laurel Kienny made a motion to have the District Secretary acquire one cell phone with Surewest for the thirty day trial period and cancel that phone with Nextel and at the same time maintain the other Nextel phone, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

16. MAINTENANCE PERSON GAVE OVERVIEW OF SITUATION WITH THE DISTRICT PICK-UPS

The Maintenance Person informed the Board that the truck being used at this time did not pass its' smog test. Therefore the truck was taken to the local mechanic and he estimated the costs just for electrical problems to be around \$300.00 and it also has a lot of other problems, coming out to be about \$1200.00. Blue Book price \$615.00 for trade-in, and \$625.00 privately.

Director Mike Goodin reiterated the fact that the Board has reviewed the situation before and the Board has expressed the need for a new truck.

Mr. Herbst gave his suggestion toward what to do with the old truck and the purchase of a new truck.

Chairman Laurel Kieny directed staff to do research on the purchase of a new truck and bring the information back to the Board for recommendation, along with keeping and maintaining the newer of the two District pick-ups, for the meantime.

17. APPROVAL OF A TEMPORARY ASSISTANT TO HELP WITH FIELD WORK-DURING THE INTERIM PROCESS OF THE HIRING OF A SECOND MAINTENANCE PERSON

The District Secretary, the Maintenance Person, Mr. Herbst, and the Board reviewed the need for an on-call person to be available to help the Maintenance Person.

Chairman Laurel Kieny made a motion that the District authorize the trading of temporary work with Andy Anderson as can be achieved and in the event of the need of the District were District Personnel would have to have someone other than Andy Anderson, the District shall hire them as an independent contractor at a rate comparable with their current base rate at base of employment, and was seconded by Director Mike Goodin.

Director Mike Goodin questioned if the District Secretary could go out into the field to do basic safety and standby needs not requiring any field qualifications.

The Board suggested not having the Secretary work in the field, that the Maintenance Person should have someone with qualifications.

Director Mike Goodin made a friendly amendment to the motion to find the base rate pay would be subject to verification, which was accepted by the Chairman of the Board.

No further discussion.

Ayes: 3 Noes: 0 Absent: 2

18. DISTRICT MAINTENANCE PERSON'S REPORT

The District Maintenance Person reported on;

- 1) Conversation with Nirmala Benin, of DOHS-asking the Maintenance Person to sign off on the Bac-t Sampling Site Plan, questioning if he was authorized to be able to sign the Sampling Plan. Mr. Herbst stated the Sampling Site Plan would be signed by the person in the field with the certification.
- 2) The Maintenance Person questioned the Board if he needs a Water Treatment to be able to put chlorine in the system.

The Chairman of the Board stated "No." Further stated that it is covered under distribution, and is considered a small plant, not a treatment plant, and gave examples.

19. DISTRICT SECRETARY'S REPORT

The District Secretary reported on;

- 1) RCAC-Diane Tang-requesting a special meeting so the authorized person could sign a revised resolution. The Board at that meeting could authorize who to sign, either one or two people, this needing to be done because of Mr. Herbst resignation, and the RCAC needing to have on file a signature of the current authorized person.
- 2) Signature needed on the agreement from Sidley, Austin & Brown-Attorney working with Dauwalder Engineering to accomplish the District pursuit of the USDA loan.
- 3) Contact by Mark Richardson-Dauwalder Engineering-needing further information, included in that evenings meeting was given a large packet of information to the Board for review by the Secretary, which the Secretary will be provided to Mr. Richardson.
- 4) Letter prepared by the Secretary, written to the County, sent on the 12th day of December, in regards to the Orciouli property. The letter consisted of information of the District's concerns with the Errors, Emissions, and Deficiencies of the Orciouli property.
- 5) BSK-Lab- receipt of the District's November lab work, which were all negative results.
- 6) DOHS-sent District a flyer regarding proposition 50, Water Security Clean Drinking Water Coastal and Beach Protection Act of 2000, showing approximately \$4,000,000.00 has been made available to the California DOHS to award grants to the Public Water Systems for security of safe drinking water and contaminate removal technology project, in case the District feels they would qualify and apply for some of that funding.
- 7) The Department of Transportation sent the District a letter regarding the draft for the Environmental Impact, being held.
- 8) The suggestions of Mark Richardson's regarding finding a new Auditor next time around to save money and who may be a little more

compassionate in reference to the USDA's time constraints.

- 9) Alpha Analytical stopped by the office and asked that the District contact them, as they are the firm who does all of the testing for the Casino and would be happy to do a competitive bid for the District's water and sewer monthly monitoring.

Mr. Herbst stated to have pricing done on the Title 22, also coliform and e-coli, the pond samples, and the monitoring of the wells at the WWTF.

The Board questioned why the District has to sign another resolution and why the RCAC is in such a hurry.

Mr. Herbst stated RCAC needs to have on hand a signed resolution with the current authorized signer and the loan needs to be renewed.

Director Mike Goodin made a motion to declare the need to sign the RCAC revised Resolution to Borrow, along with giving new authorization to sign, an emergency situation, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

Director Mike Goodin made a motion that the Board eliminate Dave Herbst name as the authorized signer and let stand with the Chairman of the Board to be the only signor on the revised Resolution to Borrow, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

20. DISTRICT INFORMATION AND CORRESPONDENCE

Mr. Herbst commented on how he felt Mark Richardson's recommendations would help the District.

Mr. Herbst previously recommended to the District Secretary to write a letter, prior to December 12, 2005, regarding the EIR for the Orciouli property, concerning the deficiencies, which has been done.

The District Secretary reviewed the list of requested information sent by Mark Richardson of Dauwalder Engineering with the Board, and felt she would be able to address all of the questions inside the packet.

The Board thanked Mr. Herbst for attending the meeting and for all of his help.

9. ADJOURNMENT

Director Joseph Moreland made a motion to adjourn the meeting at 9:09 p.m. and was seconded by Chairman Laurel Kieny.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

Laurel Kieny-Chairman of the Board

Anna McNamara-Clerk to the Board
