

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

REGULAR MEETING  
MARCH 12, 2008  
MINUTES

1. **CALL TO ORDER** The meeting was called to order at 7:05 p.m. by Chairman Laurel Kieny

2. **ROLL CALL**

**MEMBERS PRESENT** Laurel Kieny, Joseph Moreland, Barry Pomeroy, and Mike Goodin

**MEMBERS ABSENT** Matthew Milliron

**STAFF PRESENT** Ron Loudon, Anna McNamara, Mike Hayes, Jeff Mitchell (District Counsel), Dave Dauwalder, Linda Scroggs, and Assistant (Nolte Engineering)

**OTHERS PRESENT** Elizabeth Kemper (LAFCO Representative), Tracy McNamara

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

Discussion ensued.

Ayes: 4 Noes: 0 Absent: 1

4. **PUBLIC COMMENT**  
No public comment.

**CONSENT CALENDAR**

5. a) **APPROVAL OF MINUTES**  
February 13, 2008 – Regular Meeting  
February 22, 2008 – Special Meeting – In Lieu of February 13, 2008  
February 27, 2008 – Special Meeting: ECSD  
February 27, 2008 – Special Meeting: ECSDFC

b) **APPROVAL OF CLAIMS**

March 12, 2008 – Fund 466-0

Discussion ensued.

Chairman Laurel Kieny made a motion to move the Consent Calendar into open forum, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 4    Noes: 0    Absent: 1

Director Mike Goodin made a motion to approve the February 13, 2008 minutes and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3    Noes: 0    Abstain: 1 (Barry Pomeroy)    Absent: 1

Discussion ensued.

Director Mike Goodin made a motion to include in the minutes of February 22, 2008; it was the consensus of the Board that the properties that were annexed be considered “new development” and not infill lots, as such they are responsible for providing infrastructure (on-site and off-site) needed to serve them. Also, the lots are responsible for all fees chargeable to new development such facility fees, impact fees, etc., and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3    Noes: 0    Abstain: 1 (Barry Pomeroy)    Absent: 1

Chairman Laurel made a motion to approve the February 22, 2008, with the change to item 5 (b), and for staff to review the tapes.

Discussion ensued.

Chairman Laurel Kieny withdrew his motion.

Discussion ensued.

Director Mike Goodin made a motion to approve the minutes of February 22, 2008, with the three corrections made; Item 5 (b):

Discussion ensued.

Continued motion: Item 5 (b), to add “Chairman Laurel Kieny made a motion to approve the Claim Sheet, Fund 466-0 and was seconded by Director Joseph Moreland. Discussion ensued. Ayes: 2    Noes: 1 (Matthew Milliron)    Abstain: 1 (Mike Goodin)    Absent: 0,” also Item #19.”

Discussion ensued.

Director Mike Goodin made a motion to amend item 5 (b) minutes of February 22, 2008, to reflect that there was a vote on the approval of the claims initially and it failed, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 2      Noes: 1 (Laurel Kieny)      Abstain: 1 (Barry Pomeroy)  
Absent: 1

Motion failed due to a three vote limitation.

Director Mike Goodin made a motion that the minutes of February 22, 2008 reflect, as part of the district's information and correspondence, make a notation in there, that reflects Mike Goodin's response to Jeff Mitchell's be noted thereafter, and was seconded by Director Joseph Moreland.

No discussion.

Chairman Laurel Kieny made a friendly amendment; item (b) and (c) stand and that item (d) is added to indicate that Director Mike Goodin did in fact file a response in that section and that item (d) be moved to item (e). Mike Goodin accepted the friendly amendment and Directed Joseph Moreland.

No discussion.

Ayes: 3      Noes: 0      Abstain: 1 (Barry Pomeroy)      Absent: 1

Chairman Laurel Kieny made a motion to approve the minutes of February 22, 2008, as amended by the Board and was seconded by Director Mike Goodin.

No discussion.

Ayes: 3      Noes: 0      Abstain: 1 (Barry Pomeroy)      Absent: 1

Discussion ensued.

Director Mike Goodin made a motion to request staff to go back and review the tape from the February 27, 2008 meeting to find the sequence took place on item 8 and to revise the minutes accordingly, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3      Noes: 0      Abstain: 1 (Barry Pomeroy)      Absent: 1

Discussion ensued.

Director Mike Goodin made a motion to revise item 11, of the February 27, 2008 minutes to read: "Motion failed", and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3      Noes: 0      Abstain: 1 (Barry Pomeroy)      Absent: 1

Director Mike Goodin made a motion to approve the minutes of Special Meeting, February 27, 2008, of the Esparto Community Services District and was seconded by Director Joseph Moreland.

Discussion ensued.

Ayes: 3      Noes: 0      Abstain: 1 (Barry Pomeroy)      Absent: 1

Director Mike Goodin made a motion to approve the minutes of the Organizational Meeting to establish the Finance Corporation, February 27, 2008, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 3      Noes: 0      Abstain: 1 (Barry Pomeroy)      Absent: 1

Chairman Laurel Kieny made a motion to approve the claims, Fund 466-0, in the amount of 18,729.58, and was seconded by Director Mike Goodin.

Discussion ensued.

Ayes: 4      Noes: 0      Absent: 1

6. PRESENTATION BY REPRESENTATIVE OF LAFCO  
Presentation regarding the functionality of LAFCO, given by Elizabeth Kemper of LAFCO.

**Note: Chairman Laurel Kieny called a 10 minute recess from 8:03 p.m. to 8:13 p.m.**

7. LARRY LUCERO (OF DETERDING AND ASSOC.) TO GAVE PRESENTATION REGARDING A POSSIBLE LAND SWAP WITH THE DISTRICT  
Discussion ensued.

Director Mike Goodin made a motion to direct staff and district counsel to further have discussions with Deterding and Co. to come up with an equitable proposal for a land possible land swap and was seconded by Joseph Moreland.

Discussion ensued.

Director Barry Pomeroy requested the motion include the identification of the property.

Director Mike Goodin made a friendly amendment to the motion to include Exhibit A, (Town Center and Parking exhibit), dated March 7, 2008.

The District Counsel questioned Mr. Lucero, asking if Deterding and Co. would be willing to pay for the attorney fees incurred by the deliberation of the land swap.

Mr. Lucero, concluded he would be able to answer the question, but not tonight.

Discussion ensued.

Ayes: 4    Noes: 0    Absent: 1

8. APPROVAL BY THE BOARD TO SEND PROPOSED NOTICE TO CUSTOMERS REGARDING THE UPCOMING RATE INCREASE TO TAKE PLACE APRIL 1, 2008

Discussion ensued.

Director Mike Goodin made a motion to authorize staff to send out a notice informing the rate payers that the rate increase the district adopted in January, 9 2008, which would be effective April 1, 2008, and was seconded by Director Joseph Moreland.

Discussion ensued.

Director Joseph Moreland made a friendly amendment to add the new rates for the residential customers onto the flyers being sent out and was accepted by Director Mike Goodin.

Discussion ensued.

Ayes: 4    Noes: 0    Absent: 1

9. AUTHORIZATION BY BOARD PRESIDENT TO SIGN TIECHERT CONSTRUCTION CONTRACT FOR THE FINAL WATER PROJECT

Discussion ensued.

Director Mike Goodin made a motion to authorize the Board President to sign the Tiechert Construction Contract for the final water project subject to approval by the district Counsel, and was seconded by Director Barry Pomeroy.

Discussion ensued.

Ayes: 4    Noes: 0    Absent: 1

10. RECOMMENDATION TO GENERAL MANAGER REGARDING THE PROPOSED RAINBOW SENIOR CENTER

Discussion ensued.

Chairman Laurel Kieny made a motion to instruct the General Manager/Superintendent to submit comments to Yolo County, and Yolo Planning to include his concerns regarding the project, with the addition of concerns regarding the flood plain, and was seconded by Director Joseph Moreland.

Director Joseph Moreland made a friendly amendment to specify the issues of being too close to the ponds and was agreed upon by Chairman Laurel Kieny.

Discussion ensued.

Ayes: 4 Noes: 0 Absent: 1

Director Mike Goodin made a motion to adjourn the Regular Meeting of March 12, 2008, for the purpose of tending to the Special Meeting of March 12, 2008, to resume the Regular Meeting, entering into closed session at that time, as soon as the Special Meeting is adjourned and was seconded by Joseph Moreland.

No discussion.

Ayes: 4 Noes: 0 Absent: 1

**Note: Chairman Laurel Kieny adjourned the Regular Meeting at 8:53 p.m. to enter into the Special Meeting.**

**Note: Chairman Laurel Kieny reopened the Regular Meeting at 9:49 p.m.**

**Note: Chairman Laurel Kieny called a ten minute recess from 9:49 p.m. to 9:59 p.m.**

**Note: Chairman Laurel Kieny reopened the Regular Meeting at 9:59 p.m. and convened into Closed Session at 9:59 p.m.**

CLOSED SESSION

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- 11. a) §54957.8 CONFERENCE WITH LABOR NEGOTIATOR, RON LOUDON
- b) §54957.6 PUBLIC EMPLOYEE DISCIPLINE / DISMISSAL / RELEASE FISCAL SERVICES ASSISTANT
- c) §54957.8 CONFERENCE WITH LABOR NEGOTIATOR, UNREPRESENTED EMPLOYEE, GENERAL MANAGER / SUPERINTENDENT
- d) §54957.8 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
- e) §54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

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REPORT OF CLOSED SESSION

Item (a) the Board directed the General Manager to provide a copy, to the Employees, of the proposed Rules and Regulations for the administration of Employer/Employee relations for the District.

By Unanimous Vote:

Ayes: 4      Noes: 0      Absent: 1

12. AUTHORIZATION FOR GENERAL MANAGER TO SIGN CONTRACT WITH VITAL NETWORKS FOR MONTHLY COMPUTER TECH SERVICE  
Discussion ensued.

Chairman Laurel Kieny made a motion to table the item and have the General Manager do more research and bring the information back to the board at the next regular meeting and was seconded by Director Mike Goodin.

Discussion ensued.

Ayes: 3      Noes: 1 (Barry Pomeroy)      Absent: 1

13. MANAGER'S REPORT

The General Manager reported on:

- a) Manager's gas expense for January was \$199.51.
- b) Received notice the closing of the USDA loan would have to be later, March 27, 2008, due to the State offices computers being down.
- c) The General Manager and the Administrative Assistant have been working on the final USDA paperwork with Constantine Baranoff, and Jeff Mitchell, of Kronick Moskovitz Teidemann and Girard, Paulette Waugh, John Weidemaier, and Ron Tackett, of USDA, and James Copeland, Bond Counsel from Sidley Austin LLP. Reiterating the Board reviewed and signed all Resolutions necessary for the USDA loan on the February 27, 2008 meeting.
- d) Monthly sewer reports to the State Water, waiting to assist Mike Hayes with the report.
- e) Worked on getting the bugs out of the Yolo County Budget ledgers on the Citrix system so it is operable to allow the General Manager to fill out the simplified budget and revenue status reports for the Board; still having to get information off the mailed ledgers.
- f) The General Manager and the two operators attended a class on Water Supply Source Protection, a class held and hosted by the district.

Administrative Assistant:

- g) The Administrative Assistant has been compiling a list of reimbursements to the expense and reserve funds from USDA soft costs and the costs of the first part of the project, and is preparing to make those transfers.
- h) The Administrative Assistant has been gathering information for Paulette Waugh of USDA, for the USDA loan closing.

District Operators:

- i) Finished the maintenance cleaning of all sewer mains in the system.
- j) Trouble shot and repaired the lift station controller.

- k) Sprayed weeds, mowed and graded the roads at the sewer plant after the storms.
- l) Raised valves found on Antelope Street, which had been paved over.
- m) Replaced three fire hydrants.
- n) Made new sewer tap for park on Yolo and South Grafton Street.

Discussion ensued.

14. FUTURE AGENDA ITEMS

- a) USDA – SDRMA – regarding how much insurance the district needs to carry regarding the USDA loan.
- b) Policies from item 6 of the Special Meeting of March 12, 2008.
- c) Tech Support.
- d) Work load of office staff.

15. DISTRICT INFORMATION AND CORRESPONDENCE

- a) Correspondence from the Yolo County Auditors Office.
- b) Yolo County Ledgers for February.
- c) 700 Forms for those Board member needing to file by April 1, 2008.
- d) CSDA upcoming conference for Governance Foundations.

16. ADJOURNMENT

Director Mike Goodin made a motion to adjourn the meeting at 11:45 p.m. and was seconded by Director Barry Pomeroy.

No discussion.

Ayes: 4    Noes: 0    Absent: 1

Laurel Kieny-Chairman of the Board

Anna McNamara-Clerk to the Board

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