

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

REGULAR MEETING
SEPTEMBER 10, 2008
MINUTES

1. CALL TO ORDER The meeting was called to order at 7:03 p.m. by Chairman Laurel Kieny

2. ROLL CALL

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

STAFF PRESENT Ron Loudon, Anna McNamara, Jeff Mitchell (District Counsel), and Dave Dauwalder, (USDA Nolte - Engineer)

OTHERS PRESENT Kim Pearson, Mike Hayes, Jason Findley, Melissa Jordan, Larry Lucero, (Representative of John Deterding & Co.), and Tracy McNamara

3. APPROVAL OF AGENDA

Director Joseph Moreland made a motion to approve the agenda as written and was seconded by Director Barry Pomeroy.

Discussion ensued.

Ayes: 5 Noes: 0 Absent: 0

4. PUBLIC COMMENT

Public comment ensued.

CONSENT CALENDAR

5. a) APPROVAL OF MINUTES
September 4, 2008

Director Joseph Moreland made a motion to approve the minutes of September 4, 2008, with the strike of the extra Ayes: and Noes: on page 5, and was seconded by Director Terrie Bueno.

No discussion ensued.

Ayes: 4 Noes: 0 Abstain: 1 (Mike Goodin) Absent: 0

- b) APPROVAL OF CLAIMS
Fund 466-0 - Regular Monthly
Fund 471-0 - USDA Water

Chairman Laurel Kieny made a motion to approve the Claims – Fund 466-0, in the amount of \$38,436.92, and Fund 471-0 in the amount of \$64,304.13, and was seconded by Director Joseph Moreland.

Discussion ensued.

Director Joseph Moreland made a friendly amendment to the motion to bring back the Fund 471-0 to the next meeting, to give the Board time to look over the invoices, in case of any questions, and to accept the Fund 466-0.

Discussion ensued.

Chairman Laurel Kieny did not accept the friendly amendment.

Chairman Laurel Kieny made a friendly amendment to the motion to read; approval of a split Fund 471-0 claim, approving Account 86-4200 (Pace Supply Corp.), in amount of \$20,279.25, and not Account 86-2429 (Notle Engineering) in the amount of \$44,024.88, and was seconded by Director Joseph Moreland.

Discussion ensued.

Ayes: 3 Noes: 1 (Mike Goodin) Abstain: 1 (Terrie Bueno) Absent: 0

Discussion ensued.

Chairman Laurel Kieny made a motion to approve the Fund 471-0, Account 86-2429, in the amount of \$44,024.88 payable to Notle Engineering, Water Project – USDA, and was seconded by Director Barry Pomeroy.

No discussion.

Ayes: 5 Noes: 0 Absent: 0

- 6. APPOINTMENT OF GENERAL MANAGER AS DISTRICT REPRESENTATIVE FOR LABOR NEGOTIATIONS WITH UNREPRESENTED EMPLOYEES
Discussion ensued.

The District Counsel stated the Board could either choose the General Manager and / or whom ever they wished to be the Districts' Labor Negotiator.

Discussion ensued.

Chairman Laurel Kieny made a motion the Board approve the General Manager as the District Representative for Labor Negotiations with the Unrepresented Employees.

Motion died due to a lack of a second.

Discussion ensued.

Director Barry Pomeroy made a motion to appoint the General Manager and a two Board member committee as a group to be the District Negotiators – Labor Negotiator Team, and was seconded by Director Terrie Bueno.

Discussion ensued.

Director Barry Pomeroy withdrew his motion.

Director Barry Pomeroy restated his motion to read: the Board directs two Board members to be appointed as the District Labor Negotiators, and was seconded by Director Joseph Moreland.

Discussion ensued.

Ayes: 5 Noes: 0 Absent: 0

Director Joseph Moreland made a motion to appoint Director Barry Pomeroy and Director Terrie Bueno as the District Labor Negotiators and was seconded by Chairman Laurel Kieny.

Discussion ensued.

Ayes: 5 Noes: 0 Absent: 0

Chairman Laurel Kieny convened into Closed Session at 8:03 p.m.

- 7. a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) §54956.9: Jaeger Construction water charges dispute
- b) §54957.6 CONFERENCE WITH LABOR NEGOTIATOR
District designated representative: Ron Loudon

Open Session reconvened at 9:50 p.m.

Report of Closed Session:

- a) The Board, in Closed Session, approved a Settlement with Jaeger Construction, substance being Jaeger Construction will pay \$20,000.00, to the District, no later than October 21, 2008.
- b) 1 through 4; the Board gave direction to its Negotiators.

8. CONSIDERATION AND POSSIBLE ACTION ON PROPOSED CHANGES IN COMPENSATION AND BENEFITS FOR DISTRICT EMPLOYEES
Discussion ensued.

Director Barry Pomeroy made a motion this item be considered at the Workshop, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 5 Noes: 0 Absent: 0

9. APPROVAL OF PARTIAL PAYMENT ESTIMATES

- a) USDA 7 (TIECHERT CONSTRUCTION)
- b) USDA 1 (ARGANAUT CONSTRUCTORS)
- c) USDA 6A (SOFT COSTS)
- d) USDA 4A (SOFT COSTS)

Discussion ensued.

Director Mike Goodin made a motion to approve Partial Payment Estimates: USDA 7; Tiechert Construction, USDA 1; Argonaut Constructors, USDA 6A; Soft Costs, and USDA 4a; Soft Costs, and was seconded by Director Terrie Bueno.

No discussion.

Ayes: 4 Noes: 1 (Joseph Moreland) Absent: 0

10. JOHN DETERDING COMPANY REQUESTING CONSIDERATION OF AN OUT OF AGENCY AGREEMENT FOR WATER AND SEWER SERVICES

Discussion ensued.

Chairman Laurel Kieny made a motion the Board authorized the General Manager/Superintendent to negotiate with John Deterding Co. on item 10 and bring the information back to the Board next month.

Discussion ensued.

Motion died due to a lack of a second.

Discussion ensued.

Director Barry Pomeroy made a motion the Board direct the General Manager and Legal Counsel to continue negotiations with John Deterding & Co. on the Out of Agency Agreement, for water and sewer services; Item 10, and was seconded by Director Terrie Bueno.

Discussion ensued.

Ayes: 5 Noes: 0 Absent: 0

Note: Items numbers 11-18, with the exception of Item 15, have been moved to be addressed at a Special meeting September 17, 2008.

15. APPROVAL OF CLAIM FOR PG&E PERMIT FEE FOR WASTEWATER TREATMENT FACILITY

Director Mike Goodin made a motion to approve the PG&E Permit Fee for the Wastewater Treatment Facility in the amount of \$12,233.95, and was seconded by Director Terrie Bueno.

Discussion ensued.

Ayes: 5 Noes: 0 Absent: 0

19. ADJOURNMENT

Director Mike Goodin made a motion to adjourn the meeting at 10:03 p.m. and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 5 Noes: 0 Absent: 0

Laurel Kieny-Chairman of the Board

Anna McNamara-Clerk to the Board
