

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

REGULAR MEETING
NOVEMBER 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, Barry Pomeroy, and Terrie Bueno

MEMBERS ABSENT Mike Goodin and Joseph Moreland

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

3. **APPROVAL OF AGENDA**

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

No Discussion.

Ayes: 3 Noes: 0 Absent: 2

4. **PUBLIC COMMENT**

No public present.

CONSENT CALENDAR

5. a) **APPROVAL OF MINUTES**

October 8, 2008 – Regular Meeting Minutes

October 16, 2008 – Special Meeting Minutes

b) **APPROVAL OF CLAIMS**

Fund 466-0 – Regular Monthly

Director Barry Pomeroy made a motion to approve the Consent Calendar as written and was seconded by Director Terrie Bueno.

No discussion.

Ayes: 3 Noes: 0 Absent: 2

6. REVIEW OF WATER AND WASTEWATER PROJECTS BY USDA DISTRICT ENGINEER – DAVE DAUWALDER
Information and discussion only.

7. APPROVAL OF:

a) Contract Change Order No. 5 (Teichert Construction); USDA Project and approval to sign Claims Sheet – Fund 471-0; in connection with the Contract Change Order.
Discussion ensued.

Chairman Laurel Kieny made a motion to approve the Contract Change Order No. 5 to; Teichert Construction, for the USDA Project, in the amount of \$20,727.19, along with approval of corresponding Claim Sheet Fund 471-0 in the amount of \$20,727.19, and was seconded by Director Terrie Bueno.

No discussion.
Ayes: 3 Noes: 0 Absent: 2

b) Partial Payment Estimate (PPE) USDA No. 9 – Teichert Construction - USDA Project – and approval to sign corresponding Claim Sheet Fund 471-0; in connection with the (PPE) USDA No. 9.
Discussion ensued.

Chairman Laurel Kieny made a motion to approve the Partial Payment Estimate (PPE) USDA No. 9 to; Teichert Construction, for the USDA Project, in the amount of \$207,393.47, along with approval of corresponding Claim Sheet Fund 471-0 in the amount of \$207,393.47, and was seconded by Director Terrie Bueno.

Discussion ensued.
Ayes: 3 Noes: 0 Absent: 2

c) Partial Payment Estimate (PPE) USDA No. 3 - Argonaut Constructors – USDA Project – and approval to sign corresponding Claim Sheet Fund 472-0; in connection with the (PPE) USDA No. 3.
Discussion ensued.

Chairman Laurel Kieny made a motion to approve the Partial Payment Estimate (PPE) USDA No. 3 to; Argonaut Constructors, for the USDA Project in the amount of \$228,788.10, along with approval of the corresponding Claim Sheet Fund 472-0 in the amount of \$228,788.10, and was seconded by Director Terrie Bueno.

Discussion ensued.

Ayes: 3 Noes: 0 Absent: 2

- d) Partial Payment Estimate (PPE) USDA No. 8A – Nolte Engineering USDA Project – and approval to sign the corresponding Claim Sheet Fund 471-0 – in connection with the USDA Water Project Soft Costs.

Discussion ensued.

Director Barry Pomeroy made a motion to approve the Partial Payment Estimate (PPE) USDA No. 8A to; Nolte Engineering, for the USDA Project in the amount of \$25,234.39, along with the corresponding Claim Sheet Fund 471-0 in the \$25,234.39, and was seconded by Director Terrie Bueno.

Discussion ensued.

Ayes: 3 Noes: 0 Absent: 2

- e) Partial Payment Estimate (PPE) USDA No. 6A – Nolte Engineering USDA Project – and approval to sign the corresponding Claim Sheet Fund 472-0 – in connection with the USDA Wastewater Soft Costs.

Discussion ensued.

Director Barry Pomeroy made a motion to approve the Partial Payment Estimate (PPE) USDA No. 6A to; Nolte Engineering for the USDA Project, in the amount of \$12,857.55, along with the corresponding Claim Sheet Fund 472-0 in the amount of \$12,857.55, and was seconded by Director Terrie Bueno.

Discussion ensued.

Ayes: 3 Noes: 0 Absent: 2

8. GENERAL MANAGER REQUESTED DIRECTION FROM THE BOARD ON APPROVAL OF SUBSTANTIAL COMPLETION SUBMITTED BY TEICHERT CONSTRUCTION

Discussion ensued.

Director Terrie Bueno made a motion regarding the October 29, 2008 letter asking the Board to release the retention, and drop it down to 5%, it was suggested the Board give authorization to the General Manager to do a walk through and not release the project until he is satisfied.

Discussion ensued.

Chairman Laurel Kiemy made a recommendation on the motion to state; upon satisfaction of the General Manager/Superintendent of the Esparto Community Services District the Board grants him the authorization to lay his signature to substantial completion, and was seconded by Director Barry Pomeroy.

Discussion ensued.

Ayes: 3 Noes: 0 absent: 2

Chairman Laurel Kiemy convened into Closed Session at 7:38 p.m.

CLOSED SESSION

- 9. a) §54957.8 CONFERENCE WITH DISTRICT LABOR NEGOTIATORS; BARRY POMEROY & TERRIE BUENO UNREPRESENTED EMPLOYEE – General Manager/Superintendent

Chairman Laurel Kiemy reconvened into Open Session at 7:49 p.m.

Report of closed session:

The Board agreed to a 6% Cost of Living increase effective as of February 1, 2009, thus affecting the General Managers' Contract Agreement; along with the Medical, Dental and Vision will be brought to the amount specified to all employees.

Chairman Laurel Kiemy made a motion the District increase the General Manager/Superintendent salary by the amount of 6% for the fourth year of his Contract – Agreement (effective February 1, 2009), and the Medical, Dental and Vision will increase to the amount specified for all employees, and was seconded by Director Terrie Bueno.

No discussion.

Ayes: 3 Noes: 0 absent: 2

- 10. BOARD TO REVIEW TRACTOR QUOTES AND POSSIBLY APPROVE THE PURCHASE OF CHOSEN TRACTOR

Discussion ensued.

Director Terrie Bueno made a motion to accept the lowest cost tractor in the amount of, \$18,887.16, (noting it has gone over the budgeted amount by \$387.16, from the quotes given by the General Manager, and was seconded by Director Barry Pomeroy.

Discussion ensued.

Ayes: 3 Noes: 0 Absent: 2

11. SPACE BEING LEASED ON THE DISTRICT TOWER
Information and discussion only.

12. REVIEW OF RESPONSE LETTER FROM JOHN BENCOMO REGARDING CHARGES FOR THE DISTRICT PERMIT FEES-ALONG WITH POSSIBLE APPROVAL OF CLAIM FUND 471-0 DATED NOVEMBER 12, 2008

Discussion ensued

Chairman Laurel Kieny recommended the General Manager send a letter back to the Board of Supervisors, attaching the response letter received by the District. Making the statement the District has asked them to review and advise the District on their reasoning for the costs and that the letter does not, in any way, give any justification for the over-time, the compensation time, or the charging of \$100.00 per hour for one of the; vehicle, approximately \$1,000.00. And until these concerns are addressed the District finds itself still in dispute of the billing sent by the County. Also until the County can provide documentation which is what the District requires for payment through USDA, the District will not submit to the bill at this time.

Director Terrie Bueno requested Chairman Laurel Kieny make that a motion, and was accepted by Chairman Laurel Kieny.

Director Barry Pomeroy seconded the motion.

Discussion ensued.

Ayes: 3 Noes: 0 Absent: 2

13. BOARD AND GENERAL MANAGER TO DISCUSS THE POSSIBILITY OF DRILLING A TEST WELL AT THE WEST END OF WELL #5
Discussion ensued.

Note: Joseph Moreland entered the meeting at 8:30 p.m.

Information and discussion only.

14. GUIDANCE ON FULL PACKETS NEEDING TO BE DISBURSED AT THE DISTRICT MEETINGS
Discussion ensued.

Director Joseph Moreland made a motion to disburse with the copying of the extra agendas unless requested, and was seconded by Director Barry Pomeroy.

Discussion ensued.

Ayes: 4 Noes: 0 Absent: 1

15. APPROVAL OF BOARD MEMBERS TO ATTEND THE SPECIAL DISTRICT INSTITUTE SEMINAR IN FEBRUARY OF 2009, AT THE SAN FRANCISCO HYATT, IF ANY BOARD MEMBERS REQUESTED TO ATTEND

Discussion ensued.

Chairman Laurel Kieny made a motion any Director or Employee, who the General Manager deems needs the classes, who wishes to attend the Seminar in San Francisco, covering Governance, the District would authorize their travel and expenses be paid by the District, and was seconded by Director Joseph Moreland.

No discussion.

Ayes: 4 Noes: 0 Absent: 1

16. MANAGERS' REPORT:

The Manager reported on:

- a) Manager's gas expense.
- b) Meeting with Dan Boatwright of Castle Co. concerning Lamb Valley Slough crossings for water and sewer lines for the Gas Station/Mini-Mart and retail stores.
- c) Discussion of an access easement for Country Villa Mobile Home Park and the signing up of all the tenants for individual.
- d) The water project with Tiechert Construction is almost complete and looking forward to doing a walk through sometime in the next few weeks.
- e) Installation of the Acoustic folding wall in the Board room.
- f) Progression of the District Counsel and the USDA District Engineer getting the title search done on the easement.
- g) Next meeting scheduled with Yolo County Parks and Recreation, and other interested parties regarding the expansion of the Esparto CSD.
- h) Mailed letter requesting the withholdings of excess medical from the employee paychecks to Yolo County.

- i) District had efficiency test ran on all water wells in system. Tests are done by PG&E for free once every 3 years.

18. FUTURE AGENDA ITEMS:

- a) Review of the Districts' Attorney – proposals for legal services to be included.
- b) Report on Parks and Recreation Meeting.
- c) Organizational Meeting to be included on the December Regular Meeting.

17. DISTRICT INFORMATION AND CORRESPONDENCE

- a) Joseph Moreland and Laurel Kieny reported on the meeting held with the Fire Department; Barry Burns & Jerry Segara, District Staff; Anna McNamara, and Yolo County Supervisor; Duane Chamberlain regarding the 1 – 1 ½ inch meter issue.
- b) District monthly balance sheets.
- c) Annual Valuation Report as of June 30, 2007.
- d) Yolo County Auditors monthly ledger sheets ending October 2008.

19. ADJOURNMENT

Director Barry Pomeroy made a motion to adjourn the meeting at 9:35 p.m., and was seconded by Director Terrie Bueno.

No discussion.

Ayes: 4 Noes: 0 Absent: 1

Laurel Kieny-Chairman of the Board Anna McNamara-Clerk to the Board

