



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

**REGULAR MEETING
DECEMBER 9, 2009
MINUTES**

1. **CALL TO ORDER** Chairman Laurel Kieny opened the meeting at 7:02 p.m.
2. **THE CLERK TO THE BOARD SWORE IN NEWLY ELECTED DIRECTOR BARRY POMEROY**

***THE CLERK TO THE BOARD WAS PREPARED TO SWEAR IN NEWLY ELECTED DIRECTOR MELISSA JORDAN, BUT WAS PRESENTED WITH A DOCUMENT BY MELISSA JORDAN STATING SHE HAD ALREADY BEEN SWORN IN**

3. **ROLL CALL**

MEMBERS PRESENT Terrie Bueno, Laurel Kieny, Barry Pomeroy, and ~~*Melissa Jordan~~

MEMBERS ABSENT George Daniel

PUBLIC PRESENT There was public present

STAFF PRESENT Ron Loudon - General Manager, Anna McNamara - Clerk to the Board/Administrative Assistant, Dave Dauwalder – USDA Engineer, Steve Kaiser – District Counsel

4. **APPROVAL OF AGENDA**
Director Barry Pomeroy made a motion to amend the agenda to move item 7 after item 10, and was seconded by Director Terrie Bueno.

Discussion ensued.

Director Barry Pomeroy amended his motion to move item 7 after item 12, and the second stood.

No discussion.

Ayes: 4- 3 Noes: 0 Absent: 1

5. PUBLIC COMMENT

Mike Goodin spoke, along with other public members.

CONSENT CALENDAR

- 6. a) APPROVAL OF MINUTES
November 12, 2009

- 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 Chairman Laurel Kieny.

Discussion ensued.

Director Barry Pomeroy amended his motion to add the corrections to the Minutes of 11-12-09: page 3 of 4, items 8 & 9, item 8, the 'Noes' was 3 not 2 and item 9, in the motion, was item '8' not '9', and was seconded and second stood.

No discussion.

Ayes: 3 Noes: 0 Abstain: ~~1 (Melissa Jordan)~~ Absent: 1

8. DAVE DAUWALDERS REQUEST OF THE BOARDS CONSIDERATION OF THE FOLLOWING ITEMS:

- a) Water System Invoices: \$3,366.00 and \$67.50.
Review only.
- b) Wastewater Punch List and Project Status Report.
Review only.

- c) **Argonaut CCO# 4 for time extension.
Discussion only.**

~~*Chairman Laurel Kieny made a motion to refer the issue to legal
counsel, for his review and bring the item back to the next meeting,
and was seconded by Director Melissa Jordan.~~

~~No discussion.~~

~~Ayes: 4 Noes: 0 Absent: 1~~

- d) **Argonaut PPE for \$50,728.62 – USDA No. 12.
Discussion ensued.**

**Director Terrie Bueno made a motion to accept the USDA Partial
Payment Estimate No. 12 from Argonaut Constructors, in amount of
\$50,728.62, and was seconded by Director Barry Pomeroy.**

Discussion ensued.

**Director Terrie Bueno amended the motion to add from item 8, c:
amend Contract Change Order No. 4: to extend the Contract to
February 28, 2010, with the same 'no cost' extension, the second
stood.**

Discussion ensued.

Ayes: 4 3 Noes: 0 Absent: 1

9. **ELECTION OF OFFICERS: PRESIDENT AND VICE-PRESIDENT
Chairman Laurel Kieny opened floor for nominations.**

Director Barry Pomeroy nominated Laurel Kieny for President.

There was no second.

Discussion ensued.

***Director Terri Bueno nominated Barry Pomeroy for President, and was
seconded by Director Melissa Jordan. Director Barry Pomeroy declined.**

Director Terrie Bueno nominated Melissa Jordan for President.

There was no second.

Chairman Laurel Kienny nominated Director Barry Pomeroy to Vice-President, and was seconded by Terrie Bueno.

No further nominations were made.

Ayes: ~~3~~ 2 Noes: 0 Abstain: 1 (Barry Pomeroy) Absent: 1

Director Barry Pomeroy nominated Laurel Kienny for President.

There was no second.

Discussion ensued.

It was the consensus of the Board to have the Vice-President sit in as the President until there is a President voted in.

10. MANAGER'S REPORT

The General Manager gave a report regarding:

- a) Meter readings.**
- b) Refer to the article in the Valley Voice**

11. FUTURE AGENDA ITEMS

- a) RFP's – Engineering firms**
- b) Election of President**
- c) Harassment by the Public to the District Employees: Behavior Poster – Valley Voice - or new policy**
- d) Post full agenda packet at the Esparto Library**
- e) Web-site**
- f) Review of whether or not the district is charging in the past or the future**

12. DISTRICT INFORMATION AND CORRESPONDENCE

- a) Personnel Regulations – Series 2000 of the Policy Manual**
- b) Deductive Alternates Programs – Wastewater/Water**
- c) Strategic plan**

Discussion ensued.

Director Barry Pomeroy made a motion to convene into closed session and was seconded by Director Terrie Bueno.

No discussion.

Ayes: 4-3 Noes: 0 Absent: 1

Note: Chairman Laurel Kiemy entered into closed session at 9:15 p.m.

CLOSED SESSION

7. a) **CLOSED SESSION REGARDING MATTER WITH SIGNIFICANT EXPOSURE TO LITIGATION GOVERNMENT CODE §54956.9**

b) **CLOSED SESSION REGARDING CONFERENCE WITH REAL PROPERTY NEGOTIATIONS (Gov. Code §54954.5)**
The District will hold a closed session for the purpose, sale, Exchange or lease of the following real properties as follows:

Property: the real property identified as APN# 049-240-18 (owned by Intra – Pacific Commercial, Inc.) and the real property identified as 049-240-13 the Esparto Community Services District).

Agency Negotiator: District Negotiator Ron Loudon

Parties: The Esparto Community Services District and Intra-Pacific Commercial, Inc.

Under negotiations: Price and terms of payment

Open session reconvened at 10:00 p.m.

Report of Closed Session:

- a) **No action was taken.**
- b) **No action was taken.**

13. ADJOURNMENT

~~***Director Barry Pomeroy made a motion to adjourn the meeting at 10:05 p.m., and was seconded by Director Melissa Jordan.**~~

No discussion.

Ayes: 4-3 Noes: 0 Absent: 1

****Those portions of the minutes relating to actions or votes taken by Director-elect Jordan have been stricken, as it was determined subsequent to the meeting, she had not been sworn in prior to the meeting.** Also note that Pomeroy's motion in item 13 was stricken by Ms. Jordan, and so her second of this motion should also be stricken.**

Laurel Kienny-Chairman of the Board



Date 1-13-10

Anna McNamara Clerk to the Board



Date 1-13-10