

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

REGULAR MEETING
APRIL 9, 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, Matthew Milliron and Mike Goodin

STAFF PRESENT Ron Loudon, Anna McNamara, Mike Hayes, Jeff Massey (District Counsel), Dave Dauwalder, Mike Wademan (Nolte Engineering), Carolee Kilduff (Contracted Counsel)

OTHERS PRESENT 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.

Chairman Laurel Kieny called a question: Approval of the agenda.

Ayes: 3 Noes: 1 (Mike Goodin) Abstain: 1 (Matthew Milliron)
Absent: 0

4. **PUBLIC COMMENT**
Public made comment.

CONSENT CALENDAR

5. a) **APPROVAL OF MINUTES**
March 12, 2008 – Regular Meeting
March 31, 2008 – Special Meeting
- b) **APPROVAL OF CLAIMS**
Fund 466-0 – 4-9-08 – regular monthly claim sheet
Fund 466-0 – 4-9-08 -- (Mike Goodin)
Fund 470-0 – USDA second draw

Discussion ensued.

Chairman Laurel Kieny ordered the 'note' on the Consent Calendar be stuck from all future agendas, as it is of no concern of the Board the workload of the district.

Director Barry Pomeroy made a motion to approve the Consent Calendar as written and was seconded by Chairman Laurel Kieny.

No discussion.

Chairman Laurel Kieny requested of Director Barry Pomeroy to withdraw his motion and Chairman Laurel Kieny withdrew his second and took the Consent Calendar into open session for further discussion.

Director Barry Pomeroy accepted.

Director Joseph Moreland made a motion to accept the minutes of March 12, 2008, Regular Meeting, and was seconded by Director Barry Pomeroy.

No discussion.

Ayes: 3 Noes: 0 Abstain: 2 (Mike Goodin, and Matthew Milliron)
Absent: 0

Chairman Laurel Kieny made a motion to approve the minutes of March 31, 2008, Special Meeting, and was seconded by Director Joseph Moreland.

Ayes: 3 Noes: 0 Abstain: 2 (Mike Goodin, and Matthew Milliron)
Absent: 0

Director Matthew Milliron made a motion to approve the revised claim sheet Fund 466-0, in the amount of \$19,247.73, and was seconded by Director Joseph Moreland.

Discussion ensued.

Ayes: 5 Noes: 0 Absent: 0

Director Joseph Moreland made a motion to approve the claim sheet Fund 466-0 in the amount of \$39.17, and was seconded by Director Barry Pomeroy.

No discussion.

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

Discussion ensued.

District Counsel recommended having an agenda item, and/or something on the Information and Correspondence on any future agendas if the Board wishes to discuss any USDA draws.

No action needed regarding the Fund 470-0.

Note: Chairman Laurel Kieny closed Open Session to enter into closed session at 7:28 p.m.

6. CLOSED SESSION

- a) §54956.9 CONFERENCE WITH LEGAL COUNSEL Anticipated Litigation – Employee Complaint
- b) §54956.6 CONFERENCE WITH LABOR NEGOTIATORS: Laurel Kieny and Joseph Moreland – UNREPRESENTED EMPLOYEE, GENERAL MANAGER/SUPERINTENDENT
- c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of §54956.9: Jaeger Construction water charges dispute

Report of Closed Session:

- a) No action was taken.
- b) Motion to close negotiations. Ayes: Director Matthew Milliron and Director Mike Goodin, Noes: Director Joseph Moreland, Director Barry Pomeroy, and Chairman Laurel Kieny. Director Joseph Moreland and Chairman Laurel Kieny directed to go back and get written clarifications on the subject.
- c) No action taken.

7. BOARD ACCEPTANCE OF JOHN FADDEN OF NOLTE ENGINEERING TO REPLACE KEN MENSHEW AS THE RESIDENT INSPECTOR FOR THE UPCOMING USDA WATER PROJECT
Discussion ensued.

Director Matthew Milliron made a motion to approve the change in inspectors, and was seconded by Director Mike Goodin.

No discussion.
Ayes: 5 Noes: 0 Absent: 0

8. CONTINUING DISCUSSION – COX & COX – NOTICE OF COMPLETION
Discussion ensued.

Director Matthew Milliron made a motion to have the General Manager work with Cox & Cox to resolve the punch list by the next Regular Meeting, and was seconded by Director Joseph Moreland.

Discussion ensued.

Director Matthew Milliron withdrew his motion.

Director Matthew Milliron made a motion the Board give direction to the General Manager to over the month work with Cox & Cox on twenty plus remaining items on the punch list and bring back to the next Regular Meeting agenda, and was seconded by Director Joseph Moreland.

Discussion ensued.

Director Mike Goodin made a motion to table item 8.

Chairman Laurel Kieny called a question.

Director Matthew Milliron requested to withdraw his motion and restated the motion.

Director Matthew Milliron made a motion to table item 8 until the next Regular Meeting, and gave the General Manager, and Nolte Engineering the authorization to deal with Cox & Cox to let them to work on the punch list within the next month, which would also give District Counsel time to evaluate the situation, and to bring back that evaluation by the next Regular Meeting, and was seconded by Director Mike Goodin.

Discussion ensued.

Ayes: 4 Noes: 1 (Laurel Kieny) Absent: 0

9. REVIEW OF CURRENT LIABILITY INSURANCE CARRIED BY THE DISTRICT THROUGH SDRMA

Discussion ensued.

Chairman Laurel Kieny made a motion to table item 9 until the next Regular Meeting to gather more information, and was seconded by Director Barry Pomeroy.

Discussion ensued.

Director Joseph Moreland made a friendly amendment the district have a *representative from SDRMA come to the next Regular Meeting to give a presentation of the districts coverage and what the district should be looking at having for coverage*, and was accepted by Director Barry Pomeroy.

No further discussion.

Ayes: 5 Noes: 0 Absent: 0

10. APPROVAL OF NOTICE TO PROCEED WITH TIECHERT CONSTRUCTION
Discussion ensued.

Chairman Laurel Kieny made a motion to approve the Notice to Proceed to Tiechert Construction and was seconded by Director Joseph Moreland.

Discussion ensued.

Ayes: 4 Noes: 1 (Matthew Milliron) Absent: 0

11. GENERAL MANAGER TO GIVE RECOMMENDATION FOR IT (INTERNAL TECHNICAL COMPUTER SERVICES)
Discussion ensued.

Director Matthew Milliron made a motion to authorize the General Manager to sign the contract for monthly services with Vital Networks for the IT services for the district, and was seconded by Director Mike Goodin.

Discussion ensued.

Ayes: 4 Noes: 0 Abstain: 1 (Laurel Kieny) Absent: 0

Note: Jeff Massey, District Counsel, left the meeting.

12. MANAGER'S REPORT

The General Manager reported on:

- a) Manager's gas expense for March was \$200.79, of which the General Manager has reimbursed the district the .79 cent overage.

Administrative Staff

- b) The General Manager and the Administrative Assistant worked on the closing of the USDA loan. Dave Dauwalder submitted to the district the final documents for the second draw of the USDA loan to be reviewed by district administration covering money coming back to the district because of the district acting as its own bridge loan.
- c) The General Manager and the Administrative Assistant worked on the final back-up documents for the Kronick Moskovitz Teidemann and Girard bills from the USDA project, approximately \$54,000.00, as it is a reimbursement to the district funds, for the third draw from USDA funds.
- d) Preconstruction meeting held at the district, found the fire hydrants did not have the brake-off check-valves, and determined the fact that the district standards need to be reviewed.

Discussion ensued.

- d) Continued: Chairman Laurel Kieny gaveled Director Mike Goodin, and stated Director Mike Goodin is out of order.

Director Mike Goodin challenged the ruling of the Chair; calling “point of order.”

Chairman Laurel Kieny stated Director Mike Goodin is out of order.

Director Mike Goodin made a motion to challenge the ruling of the Chair.

Motion dies due to lack of second.

Discussion ensued.

Note: Director Matthew Milliron left the meeting.

- e) Instructed Operator Mike Hayes on how to do the monthly sewer treatment report to the State Water Quality Control Board.
- f) Still working on getting out the bugs of the access to the Yolo County Citrix budget ledgers, and still having to go through the monthly ledgers sent from the County to formulate the simplified budget sheets.
- g) The release of the fiscal services assistant has been turned over to the Yolo County Sheriffs Department at the recommendation of the District Counsel.
- h) Training tapes have been acquired for sexual harassment and work place violence, for lack of being able to find classes locally, through CSDA, for the employees of the district to watch in-house.
- i) The Administrative Assistant has completed the reprogramming of the new rates into the billing software, and has sent out the first billing with the new rates. Prior to the current rate increase, the restructuring was always handled by the CUSI billing software, and was charged to the district.

Field Staff

- j) The Operators have replaced the leaking fire hydrant brought to the district’s attention by Director Mike Goodin.
- k) Spring cleaning at the ponds.
- l) The Operators have raised more covered valve boxes.
- m) The Operators have renewed water service lines.

13. FUTURE AGENDA ITEMS

Discussion ensued.

- a) SDRMA-representative to come to district to give review of needed coverage and current coverage.
- b) *District Standards.*

Discussion ensued.

- c) Discuss whether or not it is appropriate for 'district workload' to be put onto a future agenda.

Discussion ensued.

- d) Policies to be produced by Director Mike Goodin.

Discussion ensued.

- e) Review the proper procedure, and who pays for it, when a board member goes to district counsel for advice regarding questions they may have.

DISTRICT INFORMATION AND CORRESPONDENCE

- a) District monthly balance sheets.
- b) Yolo County Journal Entries: USDA funds received, and pay-offs (RCAC)
- c) Yolo County Special District Financial Transactions Report(s) for fiscal year ended June 30, 2007
- d) Yolo County Auditors monthly ledger sheets ending march 31, 2008

14. ADJOURNMENT

Director Joseph Moreland made a motion to adjourn the meeting at 10:45 p.m. and was seconded by Director Barry Pomeroy.

No discussion.

Ayes: 4 Noes: 0 Absent: 1 (Matthew Milliron)

Laurel Kieny-Chairman of the Board



Anna McNamara-Clerk to the Board

