

**FLORIN COUNTY WATER DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
7090 McComber Street
Sacramento, CA 95828
Tuesday, June 4, 2024
7:00 P.M.**

1. CALL TO ORDER AND ROLL CALL

President Russell called the meeting to order at **7:00PM**.

2. ESTABLISH QUORUM/APPROVAL OF AGENDA

Cindy Russell	Director	PRESENT
Leonard Heimericks	Director	PRESENT
Judi Johnson	Director	PRESENT
Gary Schopf	Director	PRESENT
Timothy Baniel	Director	PRESENT
Edmond Leggette	General Manager	PRESENT

Quorum established.

Director Johnson made a motion to approve the Agenda. Director Heimericks second the motion.

No other Board Members voted to approve the Agenda.

Motion dies and Agenda was not approved.

**3. OPPORTUNITY FOR PUBLIC COMMENT ON CLOSED SESSION ITEM
(Gov. Code § 54954.3(a))**

A Member of the Public asked who the lawsuit was between in the closed session. The Member in addition voiced their concern as to why the Special Meeting was called tonight instead of waiting to add the closed session items to the regularly scheduled Board Meeting on Monday, June 10, in turn would save the District about \$1,000 in payment to staff, attorneys, and Board Members present. The Member asked who called the special meeting.

In response, Director Heimericks would like to make a statement:

"On April the 9th I was informed there was going to be a Special Meeting on April the 15th, the one you're talking about. I was gonna have my shoulder replaced on the 10th..."

After a brief interruption from a Member of the Public, Dr. Heimericks continues his statement.

"...I informed the president I was gonna have shoulder replacement and I asked to have that postponed. It was deemed to urgent to postpone so it wasn't postponed. Then I asked if I can find out what happened at the meeting. And I talked to the President she said you have two requirements, bring two requirements for his job description to the meeting on May the 13th..."

Director Russell interrupts to tell Director Heimericks he was required to bring two goals.

Director Heimericks continues, "...two goals. Anyway, I was not able to attend on the 15th. And they had a meeting. On April the 26th, I got a letter from, an email from our lawyer who said there had been a Brown Act violation. I still don't know what it was but I know what happened at the meeting. So, he said there was a Brown Act violation. I tried to find out..."

Attorney Mitchell interrupts Director Heimericks to inform him he would prefer they not have a public discussion on Attorney/Client communication and that communication should not be disclosed.

Director Heimericks continues, "...Ok. So, I couldn't find out what happened at the meeting. So, the person who made the violation made it a matter of public record by sending the letter to the Board of Supervisors of the County. That's a fact. So, it's now public. So, I received a copy of that. So, I'm requesting whoever violated the confidence of that meeting and violated, I can't say that word anymore, the Brown Act was not enforced has subjected the District to a lawsuit and I would ask that they resign."

Director Johnson acknowledged his statement.

A Member of the Public appreciated the statement but said their question was not answered in who called the meeting and asked for clarification on who called the Special Meeting tonight causing the District extra money when we must meet for the regularly scheduled Board Meeting in a few days.

Director Russell said Attorney Bernadett suggested the Board have a Special Meeting. Attorney Mitchell noted that the Attorneys do not call meetings. A Member of the Public asked once that suggestion had been made who called the meeting tonight. Director Russell states she doesn't remember who called the meeting. She said she may have called the meeting but will take responsibility for calling the Special Meeting tonight, but reiterates she doesn't remember if she did or did not call the Special Meeting tonight. Director Russell notes that anyone can call a special meeting. Attorney Mitchell clarifies that only the Board President can call a special meeting or the majority of the Board. After some discussion, Director Russell finally admits to calling the Special Meeting tonight.

A Member of the Public said that the entire Board must take responsibility for calling the Special Meeting because one person can not do anything without everybody on the Board. They said someone can motion and the Board can vote on it. Director Russell said it was a majority vote.

Another Member of the Public states she wants to respond to Director Heimericks question, but does not continue with her comment.

**Office Assistant's Note: Correction to Director Heimericks' statement. In his statement, Director Heimericks states multiple times that there was to be a Special Meeting scheduled on April 15th. The Special Meeting was held on Tuesday, April 16, 2024, at 7:00PM at the District Office.*

4. CONVENE CLOSED SESSION

Director Russell convened closed session at 7:08PM.

- A. Sign settlement agreement for lawsuit – Arrow Construction v. Florin County Water District**
- B. Public Employee Performance Evaluation – General Manager**

5. RECONVENE OPEN SESSION

Director Russell reconvened open session at 7:39PM.

6. IF APPLICABLE, PUBLIC REPORT OF (1) ACTION TAKEN DURING CLOSED SESSION, IF ANY, AND (2) VOTE OR ABSTENTION ON THE ACTION OF EVERY BOARD MEMBER PRESENT (Gov. Code § 54957.1(a))

Director Russell states no reportable action was taken for Items A and B in the closed session but that both items will be added to the Agenda for June's regularly scheduled Board Meeting.

DIRECTORS COMMENTS & SUGGESTIONS

No comments or suggestions

ADJOURNMENT: 7:40PM

Respectfully submitted by:

Edmond J. Leggette

General Manager/Secretary to the Board