

**FLORIN COUNTY WATER DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
7090 McComber Street
Sacramento, CA 95828
Monday, May 13, 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 Baliel	Director	PRESENT
Edmond Leggette	General Manager	PRESENT

Quorum established.

Director Johnson stated she wrote something when studying the Agenda and Board Packet that she would like to read to the room before proceeding. Her statement reads, "I became greatly alarmed. There are sixteen sets of meeting minutes listed for consideration. So, what that says to me is that the Florin County Water District rate payers have no access to records of actions during those meetings. Then I saw an Agenda Item for having a contract for legal work to be voted on. However, no copy of a contract or explanation of need was in the materials and as I looked at my extensive notes, no Agenda Item nor discussion regarding such could be found. In a letter to the Florin County Water District General Manager copied to the Florin County Water District Attorney and the Sacramento Board of Supervisors, a Member of the Public references actions and information that reflect violations of the Brown Act. Each one of us seated at this table took an oath to uphold the laws and regulations of the Constitution of the United States and the Constitution of the State of California. In view of issues noted plus other concerns, we must look to our own actions as Board Members of the Florin County Water District in ensuring following our oath and question how to rectify any wrongs. I right now propose the Florin County Water District Board of Directors begin a 60-day recess. The purpose of which will be asking the Sacramento County Grand Jury and/or the California Attorney General to conduct a thorough investigation of any offenses and/or misconducts identified."

Director Russell verbally noted Director Johnson's statement.

Director Russell states the minutes have not been finalized and that section of the Agenda will not be approved. A Member of the Public asked what Director Russell was revising with her notes and if she was checking against the meeting recordings. Director Russell responded that she was not listening to the meeting audio but checking her and others comparison notes.

3. PUBLIC COMMENT

A Member of the Public asked for possible clarification on closed session items. Director Russell states items will be discussed in closed session and reported later when open session reconvenes.

A Member of the Public applauded the Board for some progression, however raised concern that Board members may not be prepared to do the "off-hour" work required to do their job as a Board member. They added that no matter what, it shouldn't take a year to get minutes approved. They noted they had hoped with Director Russell's appointment to the Board there would be a lot more progress and balance amongst the Board.

Director Russell states that she would have her notes on the minutes completed by June but wonders why that was not specified in the minutes. A Member of the Public asked when was it approved that the minutes would be ready by June. Director Russell replied she does not have her notes present but believes it was mentioned during the March Board Meeting.

Office Assistant's Note: Per the audio recording from the March Board Meeting, it was not brought up by Director Russell nor voted on by the Board that corrections to the minutes would be completed by June. SECTION OF MEETING WHERE MINUTES ARE DISCUSSED BEGINS AT THE **4 MINUTE 37 SECOND MARK (4:37.7) AND ENDS AT THE **10 MINUTE 15 SECOND MARK (10:14.9)**. THIS IS FROM PART ONE OF THE MEETING BEFORE CLOSED SESSION CONVENES.*

4. CONSENT CALENDAR

A. Minutes

- 1) August 14, 2023**
- 2) September 11, 2023**
- 3) September 19, 2023**
- 4) October 4, 2023**
- 5) October 10, 2023**
- 6) October 30, 2023**
- 7) November 13, 2023**
- 8) November 27, 2023**
- 9) November 30, 2023**
- 10) December 11, 2023**
- 11) December 20, 2023**
- 12) February 12, 2024**
- 13) February 29, 2024**
- 14) March 11, 2024**
- 15) April 8, 2024**
- 16) April 16, 2024**

Minutes not approved by the Board.

B. Accounts Payable

Director Johnson questioned the validity of Hedman's Invoice. The invoice is more than \$100K and items on the invoice are not clearly specified. For the amount of money, the rate payers deserve to know what the charges are for.

Director Russell asked for clarification on a few items in the Accounts Payable report.

Director Johnson made a motion to approve the Accounts Payable minus the Invoice from Hedman in order to get further clarification on the charges.

Director Heimericks second the motion.

Board all in favor.

Board unanimously approves Accounts Payable Report minus the invoice for Hedman Well.

C. Adjustment Report

Director Johnson made a motion to approve the Adjustment Report.

Director Heimericks second the motion.

Motion passed by a majority vote. Votes as follows:

Director Johnson – YES
Director Heimericks – YES
Director Russell – YES
Director Schopf – ABSTAIN
Director Baniel – ABSTAIN

Board approves Adjustment Report by majority vote.

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

No public comment.

6. CONVENE CLOSED SESSION

Director Russell convened closed session at 7:21PM.

A. Sign settlement agreement for lawsuit
B. Public Employee Performance Evaluation – General Manager
C. Public Employee Appointment (Gov. Code § 54957) – Special Legal Counsel

7. RECONVENE OPEN SESSION

Director Russell reconvened open session at 8:01PM.

8. 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))

Board took no reportable action.

9. AUTHORIZATION FOR BOARD PRESIDENT TO APPROVE CONTRACT FOR HUMAN RESOURCES LEGAL SERVICES WITH TREAVER K. HODSON OF THE PALMER KAZANJIAN, WOHL HODSON LLP

Director Russell asked Attorney Bernadette if she can tell the public that the Board had voted on this. Attorney Bernadette noted this will be the official vote.

Director Heimericks asked to make a comment before the vote. Director Heimericks asked if himself and Director Russell can make their corrections to the draft Employee Handbook and present that to the Attorney.

A Member of the Public asked if a price was given for their services. Director Russell said it'll cost the District anywhere from \$335-\$850/hour for them to work on the Handbook. When asked if Director Russell was given how many hours it'll take to complete, both Directors Heimericks and Russell state the Board was not provided that information yet.

Director Heimericks states it very well could cost a couple thousand.

Director Johnson said the District's current Attorney has an employment department that handles things like this and that she would feel much more comfortable sticking with a group that is already familiar with Florin County Water District as opposed to an outside company with such a large salary range.

Director Baliel said the District pays its current Attorney roughly the same amount for their service and asked Attorney Bernadette for confirmation. Attorney Bernadette said that at their top she believes Attorney Mitchell is at \$310/hour and she's at \$300. General Manager Leggette said it's on the bill and the amount is actually \$305.

Director Baliel made a motion to have Director Russell sign the contract.

Director Heimericks second the motion as long as he and Director Russell first make their revisions together to the employee handbook before handing over.

Board not all in favor. Votes as follows:

Director Baliel – YES
Director Heimericks – YES
Director Schopf – YES
Director Russell – YES
Director Johnson – NO

Board approves by a majority vote to hire an employment/human resources attorney to review the draft FCWD Employee Handbook.

10. WELL REHABILITATION

A. McComber Well – Electrical Panel

General Manager Leggette notes he has not received an update or communication from the company.

Director Russell said she was told the electrical panel would be delivered to the District by June 26, 2024.

The Board will ask for a refund if the Electrical Panel is not delivered by June 26, 2024.

B. Status of Wells

General Manager said we have not received the testing results from BSK for Fletcher Well. French Well is not complete. At French Well, Hedman installed something incorrectly and General Manager Leggette ordered the part so that the District can correct the issue.

Director Heimericks asked if the District has a contract with Hedman.

Director Baliel said there was an agreement that was signed in the office when Christina was here.

11. EMPLOYEE COMPENSATION STUDY – BRYCE CONSULTING

Director Heimericks says the Board needs to table this topic until the District completes the rate study.

Director Russell agrees to table this until the completion of the rate study.

Director Johnson asked to revisit the previous topic in regards to a previous Board Member having documentation that belongs in the office. Specifically, Director Baliel's comment that Christina has a copy of an agreement to work with Hedman.

Director Baliel said he'll find out from Dan Hedman if he has a copy of said agreement.

12. STATUS OF TRUCK PURCHASE

Director Russell said that she will not agree to the purchase because the District can't purchase a diesel truck.

Director Heimericks asks what the law states.

Attorney Bernadette said one of their associates researched it and found that smaller districts have until January 1, 2027 to purchase a diesel truck. After that it would have to be a zero emissions vehicle or if the District does purchase a diesel truck, then the purchase would have to be reported.

Director Johnson made a motion to approve the purchase of a truck.

Director Heimericks second the motion.

Board not all in favor. Votes as follows:

Director Johnson – YES
Director Heimericks – YES
Director Baniel – NO
Director Schopf – NO
Director Russell – NO

By a majority vote the Board opted to not purchase a truck for the District.

13. SEPTIC TANK

General Manager Leggette said they need to hire someone to come and look at the septic tank again.

Director Heimericks made a motion that General Manager Leggette have the District Office's septic tank investigated to see if it needs replacement or repairs and that the District formally write a letter to Sacramento County asking if sewer can be considered down McComber.

Director Baniel second the motion.

Board all in favor.

Board unanimously approves to have the District Office's septic tank be looked at for repairs or replacement and to ask Sacramento County to install sewer.

14. PROPOSED 2024/2025 BUDGET

Director Russell would like to hold off on the budget so she can get together with Director Heimericks for possible revisions.

Both note budget will be voted on at the June Board Meeting.

15. TOMMY CIRCLE PROJECT

OSHA appointment has been rescheduled for May 22, 2024.

The permit needed is for trenching.

No other information to report.

16. CONCERNS WITH GENERAL MANAGER EDMOND LEGGETTE SIGNING CONTRACTS FOR NEW ACCOUNTANT, AND BARTLE & WELLS, PRESIDENT SIGNS CONTRACTS. PRESIDENT WOULD LIKE COPIES OF CONTRACTS. ALSO CONTRACT RICHARDONS (AUDITORS)

Director Russell asked the Attorney for clarification on who is allowed to sign contracts. Attorney Bernadette said as a County Water District the President or the General Manager can sign. Attorney Bernadette said it can be whoever, that most Districts opt to have the GM sign because business can get done quicker.

Director Johnson made a motion to have the General Manager sign contracts.

There was no second to the motion. Motion not passed.

Director Baliel made a motion to have the President sign contracts.

Director Schopf second the motion.

Board not all in favor. Votes as follows:

Director Baliel – YES
Director Schopf – YES
Director Russell – YES
Director Heimericks – NO
Director Johnson – NO

Board approves by a majority vote to have the Board President be the only person to sign contracts.

17. POLICY REGARDING LIMITING AGENDA ITEMS BY BOARD MEMBERS

Director Russell said she would like to create this policy.

Director Heimericks said previously the Board approved to not have Board Meetings go beyond 10:00PM and that the Board should not change anything by creating this policy.

Board agrees. No further information to report.

18. DISCLAIMER ON BUDGET: BUDGET IS FOR GUIDELINES ONLY, AND ITEM OVER \$1000 NEEDS BOARD APPROVAL PRIOR TO SPENDING. CANNOT PUT ONTO CREDIT CARD OR ACCOUNT WITHOUT APPROVAL

Director Heimericks made a motion to change the item amount from \$1000 to \$20,000.

Director Johnson second the motion.

Board not all in favor. Votes as follows:

Director Heimericks – YES
Director Johnson – YES
Director Russell – YES
Director Schopf – ABSTAIN
Director Baliel – ABSTAIN

Board approves by a majority vote that the General Manager will need Board Approval on any purchase, budgeted or not, that is over \$20,000.

19. MANAGERS REPORT

Conduit has been installed so they will be ready for the electrical panel once it arrives. General Manager Leggette has estimates for the parking lot. He received them after the deadline to have on current agenda but will ask to have the estimates put on the agenda for the June Board Meeting. The District completed 12 service upgrades, cleaned up around the wells, and painted a few hydrants. He notes EPA report is almost done and will be completed by the June deadline.

DIRECTORS COMMENTS & SUGGESTIONS

No comments or suggestions.

ADJOURNMENT: 8:55PM.

Respectfully submitted by:

Edmond J. Leggette

General Manager/Secretary to the Board