

**FLORIN COUNTY WATER DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
7090 McComber Street  
Sacramento, CA 95828  
Monday, May 8<sup>th</sup>, 2023  
6:00 p.m.**

**CALL TO ORDER AND ROLL CALL:**

President Baniel called the meeting to order at 6:22 p.m.

1.	Timothy Baniel	President	Present
	Gary Schopf	Director	Present
	Maryellen Parsons	Director	Absent
	Judi Johnson	Director	Present
	Leonard Heimericks	Director	Present
	Edmond Leggette	General Manager	Present

**2. ESTABLISH QUORUM/APPROVAL OF AGENDA:**

Quorum established. Manager Leggette asked for Approval of the Agenda. Directors Johnson and Heimericks so moved. Motion was passed on a vote of 3 Ayes, 1 Abstention (Baniel) and 1 Absent (Parsons)

**3. PUBLIC COMMENT:**

Attendees spoke to the change of the meeting times. They were vociferous that the time change vote had not been agendaized and therefore was not valid. Following brief discussion, it was decided that this meeting would continue and the next meeting would begin at 7:00pm when the time of opening would be thoroughly discussed. Mrs. Schopf berated General Manager Leggette for not "replying to her husbands' letter" in writing. She pointed her finger and spoke extremely harshly with her insistence of a written reply. General Manager Leggette patiently and diligently explained that the matter had been thoroughly and completely handled at the previous meeting when Director Schopf agreed that all his questions had been answered.

**4. CONSENT CALENDAR:**

**A. Minutes – April 10<sup>th</sup>, 2023.**

Regarding **Item #5** - Director Johnson raised the issue of no minutes received from the closed session. Attorney Lauren Bernadette provided detail that closed session minutes must be considered by the voting members confidentially then placed in a sealed envelope and placed in a secure location in the District office. President Baniel ordered Item #20 to be moved up to this point in the agenda. However, the action was not voted upon. **Item #9** - Following discussion Director Heimericks agreed to remain after the meeting to sign District checks. The issue of signing checks for the meeting of May 8<sup>th</sup> was not addressed. **Item #15** – Reading from the agenda Director Johnson noticed that President Baniel had advised that he would transmit both email and text that Bob Murray and Associates would no longer be working with FCWD due to "a Director being rude" to the General Manager for distribution to all Board members. Director Johnson then asked General Manager Leggette if he had received that documentation. He indicated he had not. Director Johnson strongly suggested that the information be received and dispersed. Noting that the action by the previous Board on November 2<sup>nd</sup>, 2022, there had been no prevision of further service for a recruiting firm should the contract with Bob Murray & Associates not come to fruition. **Item #18** – Director Johnson reminded that the required Ethics and Sexual Harassment training was expired and overdue for several Directors, as she urged members to complete that requirement. **Item #22** – It was

clearly stated those 4 persons (staff & directors) would be attending the CRWA Expo and training April 24-27. **Directors Comments and Suggestions** – Director Johnson called attention to the objection of President Baliel of having her car in the handicapped spot of the District office. President Baliel insisted that could not happen in a governmental parking lot, with FCWD being government.

President Baliel entertained a motion to approve the minutes of April 10<sup>th</sup>, 2023.

**Motion: Director Johnson so moved as amended.**

**Second: Director Heimericks.**

**Vote: 3 Ayes, 1 Abstain (Baliel), 1 Absent (Parsons)**

#### **A. Minutes – April 24<sup>th</sup>, 2023.**

Director Johnson said that to her knowledge, minutes of the closed session had not been completed and therefore asked how the 3 members of the Board who supposedly attended were paid. Attorney Lauren Bernadette responded that certainly a meeting had occurred and payment was not an issue. Director Johnson then continued that perhaps some sort of meeting had transpired but there was no proof of anything that pertains to FCWD business had been addressed. She stressed that the issues identified for the special called meeting should have been of highest priority and asked if that had happened but received no reply. She also asked when the minutes of the closed session might be expected as well as the missing information and the purposed minutes i.e., meeting called to order time, and no announcement from the closed session. Noting these concerns as stated and anticipation of information being received the minutes were accepted.

President Baliel entertained a motion to approve the minutes of April 24<sup>th</sup>, 2023.

**Motion: Director Johnson so moved.**

**Second: Director Heimericks.**

**Vote: 3 Ayes, 1 Abstain (Baliel), 1 Absent (Parsons)**

#### **B. Accounts Payable**

Director Johnson called attention to items on the Accounts Payable report including Holt of California (\$17,212.35) which President Baliel insisted was a duplication of the previous month. That item was decided to be addressed during check signing which would occur on the following day Tuesday, May 9<sup>th</sup>, 2023\*.

President Baliel entertained a motion to approve the Accounts Payable.

**Motion: Director Johnson so moved, citing the terms listed.**

**Second: Director Heimericks.**

**Vote: 3 Ayes, 1 Abstain (Baliel), 1 Absent (Parsons)**

\* On May 9<sup>th</sup>, 2023, check signers (Director Heimericks & Director Schopf) examined the issue (\$17,212.35 payable to Holt of California) and found no duplication, therefore directing Office Manager Leggette to proceed with completing the payment.

#### **C. Adjustment Report**

President Baliel questioned the adjustment of \$450.00 late fee, insisting that it should be reflecting of the other charges on the list. General Manager Leggette explained the system for clarification on the shut off policy. At this time this item was tabled until further review of the issue.

### **5. GENERAL MANAGER POSITION:**

President Baliel indicated that he had provided Attorney Lauren Bernadette with the name of a firm for recruiting support staff and a new General Manager. Director Heimericks said that we have an excellent General Manager and moved to name Edmond Leggette as the General Manager for the Florin County Water District. Director Johnson second the motion which was declared failed by President Baliel on his reading of the vote of a 2/2 split. He then remarked to Attorney Lauren Bernadette to be on the lookout for the name of the recruiting firm that he was sending to her office. Director Schopf

declared that Mr. Leggette was not qualified for the position but offered no further explanation.

**6. 2023-2024 PROPOSED BUDGET:**

The recently passed 2022-2023 Budget was distributed as a template of the upcoming 2023-2024 Budget with Directors being urged to carefully peruse that budget for item to be included, deleted, or changed in consideration of the new budget. Directors Heimericks and Schopf were named as the committee for presenting the upcoming budget. Director Johnson proposed that if the Budget has not been approved and adopted by July 1<sup>st</sup>, 2023, that no Director will receive stipends until a budget is adopted. Agreement was unanimous for acceptance of that suggestion.

**7. PAST AUDIT REVIEW:**

This item was not addressed.

**8. COMPENSATION AND CalPERS CONTRIBUTION:**

Director Heimericks noted the agreement and election data and "contract" had been discussed with co-committee member President Baliel which he was anticipated to sign by this meeting. President Baliel denied knowledge of the "contract" which Director Heimericks handed him as a reminder. He continued to deny ever having seen the "contract" and said he would not sign without current review. Director Heimericks itemized the attempts made to have the "contract" signed as it must be consummated during the current fiscal year. President Baliel continued heatedly that he would not sign it and banged the gavel declaring the meeting adjourned immediately at 7:24pm. Director Heimericks expressed concern that an illegal action had just occurred, asking Attorney Lauren Bernadette if President Baliel could do that, as the several remaining items of the agenda had not been addressed. He noted many of the items were crucial to being addressed as noticed. In the ensuing confusion the attorney said if the Board wished she could call attorney Mitchell for advice however she did not believe the adjournment was in proper form. The agendaized list was resumed.

**9. EMPLOYEE COMPENSATION STUDY:**

Director Johnson asked the status of the contract with Bryce Consulting; a report is expected. It was stated that the #8 item and this item were both dependent on signed contract, which have not been received by FCWD staff. However, both contracts had been ordered signed by agreement of Board members at a previous meeting.

**10. GASB 75 REPORT:**

This item is linked to item #8. Director Heimericks began an explanation of the need for utilizing this report for completing item #8 – Compensation and CalPERS Contribution. At one point Director Heimericks misspoke using the term *retirees* instead of annuitants/employees/retirees. He quickly expanded his explanation for clarity and apologized for his slight miscommunication. Director Heimericks again urged to President Baliel to review and sign the contract as previous agreed upon. Director Johnson then asked about specific points in the contract, to which Director Heimericks asked that interested Directors review the file in the District office.

**11. PROPOSED DISTRICT POLICIES:**

Director Heimericks called attention to the six policies which had been included in the Board meeting packets delivered as agreed on Friday May 5<sup>th</sup>, 2023, to the Directors. He urged Directors to review the policies and be prepared to vote on them at the next regularly scheduled Board meeting on June 12<sup>th</sup>, 2023. A member of the public called attention to what she described as "discrepancies" in the travel policy.

**12. COMPLIANCE WITH EPA CFR 141.84:**

General Manager Leggette reported that he had attended special sessions regarding these requirements at the CRWA Expo and could report that it totally appears that water Districts will remain only responsible for maintaining District installed lines in such as mains and service lines to our service box. Director Heimericks presented information that he stressed that he understood should be reported to the EPA and asked General Manager Leggette to further study the data and utilize it as necessary.

**13. WATER METER PROPOSALS:**

General Manager Leggette detailed talks and presentations received for staff by two if the companies contacted and will be hearing from the third that has rescheduled.

**14. CAPITAL IMPROVEMENT PLAN/RATE STUDY:**

General Manager Leggette stated that he wanted to clear up some misinformation that was given at the last Board meeting on April 10<sup>th</sup>, 2023, regarding past litigation. He reminded the Board and public that President Baniel stated that FCWD lost this litigation due to the Rate Study by Bartle Wells. General Manager Leggette stated that this information is incorrect, the Court entered a judgement against the District in November 2018 due to the wording in the prop 218 letter that was sent out to all rate payers in the District and was evidenced in the administration record. That evidence, presented before the Board when it adopted the new rates, was not sufficiently detailed to support the new rates. The Court was concerned that there was no "cost of service study" made available to the public in advance. General Manager Leggette also reported that FCWD received from District Counsel the Bartle Wells Associates' proposal on May 7, 2019. General Manager Leggette then reminded the Board and public that President Baniel said that there were refunds given to customers and that FCWD didn't inform customers that they could get a refund. General Manager Leggette stated that this information is also incorrect, the District was instructed to see if anyone else paid under protest during this time (2017). No other customer paid under protest therefore the District did not have to issue any more refunds.

**15. WELL REHABILITATION/WELL SECURITY:**

Dan Hedman with Hedman Drilling was present to report the status of the Wells at Fletcher, French and Diana sites. A question was received from the audience regarding the status of the Post Office Well. Director Johnson said she has been in contact with Congressional Representative Matsui and will report when further information is received. President Baniel then said that General Manager Leggette was attempting to spend \$80,000 on the electrical panel for McComber Well which the General Manager had to explain that the amount was a bid from Tesco. President Baniel then launched into a tale of having security issues at Weyand Well and presented a picture on his phone. FCWD Field Supervisor Brett Foster was present and declared the picture was from Reese #2 Well site. Regarding Well security, the General Manager and Field Supervisor expressed extreme concern of the alleged security issues presented by President Baniel. In exploring the details presented, General Manager Leggette expressed extreme concern that security had been breached and no report was made/given from President Baniel. President Baniel also failed to report this incident to any staff of Florin County Water District nor did he contact law enforcement.

**16. MANAGERS REPORT:**

General Manager Leggette, Field Supervisor (Brett Foster), Director Johnson, and Director Heimericks, all attended the CRWA EXPO in Lake Tahoe. General Manager Leggette gave a brief description of topics and classes that were covered. There were also questions raised about Well Security and General Manager Leggette stated he will discuss this item further at the next Board Meeting, but insured the Public THERE WERE NO SAFETY ISSUES AND THE PUBLIC WAS IN NO HARM.

**DIRECTORS COMMENTS & SUGGESTIONS**

Please see attached report from Director Johnson. Director Heimericks said he would like to see the CCR's mailed to each rate payer. President Baniel and Director Schopf agreed of the importance of that distribution while Director Johnson expressed concern of potential cost of translations.

**ADJOURNMENT: 8:24 p.m.**

**Respectfully submitted by:**

**Edmond J. Leggette**

General Manager/Secretary to the Board