

**FLORIN COUNTY WATER DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
7090 McComber Street
Sacramento, CA 95828
Monday, July 8, 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	President	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 said she would like to make a statement and requested that her questions be answered by the Board. Her questions are as follows:

"1. On the June 10, 2024, Board Meeting Agenda item number 13, Status of Previously Agreed FCWD Policies, there was an anonymous vote to have item with all reference content addressed and completed at tonight's meeting. Why was it not agendacized? It is not put on the Agenda?

2. June 10, 2024, minutes item number 19, FCWD will be posting to hire a permanent General Manager by August 1, 2024. The interim General Manager position will end on July 31, 2024. Apparently, the motion indicates the General Manager position will be terminated. California Water Code § 30580 clearly states: Section, that section repeated here, 'Duties of General Manager. The General Manager shall:

(a) Have full charge and control of the maintenance, operation, and construction of the water works or water-works system of the District.

(b) Have full power and authority to employ and discharge all employees and assistants at pleasure.

(c) Prescribe the duties of employees and assistants.

(d) Fix and alter the compensation of employees and assistants subject to approval by the Board.'

Noted. I'd like you to note there was a convoluted vote asking a specific Director to second the motion which Director Schopf states he is unaware of what he is seconding. The motion passed on a 3-2 vote as usual. Item on the Agenda states, Florin County Water District will be posting to hire a permanent General Manager by August 1, 2024. The interim General Manager position will end on July 31, 2024. At what Board meeting where there was a decision vote to end General Manager Leggette's interim position and hire a permanent general manager? This item was approved to post for the general manager position. Why is there an agenda item tonight stating 'Approve contract with Staff World Service for employment services for General Manager.' Who directed and voted to find a firm like this? I have never been advised of that.

May 13, 2024, minutes item number nine, I have been asked several times how the motion to contract with another legal firm came to be. I do not know except that information provided, finally to me, indicates that the agreement for signing a contract proceeded the May 13, 2024 meeting of the FCWD Directors. As to who and how the

matter came to fruition should be answered by the President. I note that such expenditure was not budgeted and I do ask, does this qualify then as a misuse of government funds? Public funds?

Director Baniel has indicated in other meetings his desire to fire the current General Manager. If that is to happen, several procedures must take place. The Federal and State Constitution prohibit government entities from depriving individuals of employment without adhering to certain due process requirements. The California Supreme Court has addressed these requirements and has articulated standards applicable to the discipline of Government employees. Generally, procedural requirements must be carried out before certain employees of public employment can be terminated. Since the courts have established special rules for employees in public service, they are not subject to the same judicially recognized restrictions against terminating employees that apply in the private sector.

California requires employers to provide certain documents to employees on termination. First, notice to employee as change in relationship required under California Employment Insurance Code 1089. Written notice must be given immediately to employees of their discharge, layoff, leave of absence, or change in employee status. Then there's a third thing that have to be given and it says, for your benefit, and this is California's Program for the Unemployed and it is published by EDD. Cobra and Cal-Cobra notices, that may not be applicable here because we are not a large organization. A health insurance premium or a HIPAA notice must be given out. Also, documentation must be announced for a reason of proposed action. That's highly suggested. And I would like to think that in a District like this, that is essential. If somebody is being terminated, why are they being terminated? Were they dishonest? Did they dare upset the hierarchy? Something has to be said. We owe that to the ratepayers of the Florin County Water District and that is an obligation that must come first and we have to do that. Thank you. Any questions." **Director Johnson statement concluded.**

General Manager Leggette said he would like to make a statement. "The Accounts Payable is not complete. We received a bill from the new law firm which had charges before the contract was signed. So, I did not authorize that due to those charges were made before the Board signed that contract."

President Russell noted that the Board will look at the invoice because she notes she had a consultation fee with the new Attorney.

General Manager Leggette continued his statement, "Well the Board didn't approve it until the thirteenth of May and the charges began on the ninth and the contract was issued to you (President Cindy Russell) on the thirtieth of April."

3. PUBLIC COMMENT

A Member of the Public talked about the Board Members using their personal emails to conduct District business and notes that it can be subject to a search and seizure.

Another Member of the Public urged the Board to work together or else nothing will ever be accomplished.

4. CONSENT CALENDAR

A. Minutes

President Russell opted to skip this section due to having some questions for Attorney Mitchell.

B. Accounts Payable

Director Johnson made a motion to approve the Accounts Payable Report. Director Heimericks second the motion. Votes as follows:

Director Johnson – YES

Director Heimericks – YES

Director Schopf – YES

Director Baliel – NO

President Russell – YES

The Board approved the Accounts Payable Report by a majority vote.

C. Adjustment Report

Director Johnson made a motion to approve the Adjustment Report. Director Baliel second the motion. The Board unanimously approves the Adjustment Report.

Director Johnson – YES

Director Baliel – YES

Director Heimericks – YES

Director Schopf – YES

President Russell – YES

5. WELL REHABILITATION

A. McComber Well – Electrical Panel

General Manager Leggette said they are going to hold off installing the electrical panel because the electric company said the McComber Well would need to be down for two weeks for the installation. The panel needs to be cemented in and not anchored so the District will wait until the hot weather passes and/or calms down.

B. Status of Wells

Fletcher Well is still testing high for magnesium. The District may need to air lift the Well to get the heavy minerals out. The levels are decreasing, but not as fast as preferred. French Well is tested and awaiting results from BSK.

Kara Well needs to have electrical work done on that panel. The breaker is going bad the contacts are wearing down. General Manager Leggette said the electrician gave him a cost of \$7500 to fix the well but said he can get two additional bids for the repairs since the Board requests 3 bids for all contracts.

6. GRAND JURY REPORT

The Board opted to hold a Special Meeting on July 18, 2024, at 6:00PM to go over the responses for the Grand Jury.

7. CLARIFICATION OF DUTIES OF FCWD DIRECTORS

No reportable action by the Board.

8. REQUEST BUDGET ADJUSTMENT: \$98,000 FOR ESSENTIAL EQUIPMENT FOR UPCOMING WORK

The Board will not approve a budget adjustment for the District to purchase an essential work truck.

- 9. REVIEW OF NEED TO OBTAIN 3 BIDS BEFORE AWARDING CONTRACTS**
The Board reiterated that the District will need to require 3 bids for all expenses over \$1000.
- 10. PURCHASE FCWD OWNED CELL PHONES WITH CAPABILITY FOR CULTURAL INTERPRETATION (OFFICE STAFF)**
President Russell would like to see what purchasing a new phone will cost before the Board votes on an undisclosed amount.
- 11. REQUESTING BUDGET ADJUSTMENT: CONSIDERATION OF JANITORIAL DUTY/PAY**
President Russell closed this topic. No reportable action from the Board.
- 12. WHAT IS THE UPDATE ON THE RATE STUDY BARTLE WELLS**
The bids will be put on the Agenda for the July 18th Board Meeting.
- 13. WHAT IS THE UPDATE ON THE ACCOUNTANT CLOSING BOOKS**
The Account will be audit ready by the end of August (2024).
- 14. WHAT IS THE UPDATE ON THE AUDIT BEING COMPLETED? ISN'T THIS RICHARDSON**
The audit cannot be started until the Accountant is done closing the books.
- 15. WHAT IS THE RATE THAT PEPSI & MISSION PAY. ARE THEY UNDER CONTRACT? PLEASE HAVE CONTRACTS AT BOARD MEETING**
No reportable action from the Board.
- 16. WHO ARE THE AUTHORIZED SIGNATORIES ON THE CHECKING ACCOUNT? PLEASE HAVE DOCUMENTATION AT BOARD MEETING**
No reportable action from the Board.
- 17. APPROVE CONTRACT WITH STAFF WORLD SERVICE FOR EMPLOYMENT SERVICES FOR GENERAL MANAGER**
Attorney Mitchell recommended to have his firm look over the posting as they have a template that would be beneficial for this Agenda Item and noted the Board just had a conversation to get 3 bids for contracts.

No action taken from the Board for this Agenda Item.
- 18. APPROVAL TO PAY FOR CINDY RUSSELL TO ATTEND 2024 SPECIAL DISTRICT LEADERSHIP ACADEMY IN SAN RAFAEL. AMOUNT IS \$785.00. THIS AMOUNT WILL BE REIMBURSED TO FCWD, AS CINDY RUSSELL OBTAINED A SCHOLARSHIP TO ATTEND.**
Director Johnson made a motion that all Board Members who will be seated by January 1, 2025 be encouraged to attend the training meeting in San Luis Obispo in February 2025. Director Heimericks second the motion. The Board did not approve this motion.
Votes as follows:
Director Johnson – YES
Director Heimericks – YES
Director Baliel – NO
Director Schopf – NO
President Russell – NO

Director Baliel made a motion to have President Russell attend this training. Director Baliel asked President Russell or Director Schopf for a second. President Russell second the motion. Board approved to have President Russell attend this training session by a majority vote. Votes as follows:

Director Baliel – YES

President Russell – YES

Director Schopf – YES

Director Heimericks – NO

Director Johnson – NO

Director Johnson made a motion for the General Manager Leggette to attend the training session in November. Director Heimericks second the motion. Board approved by a majority vote to have General Manager Leggette attend the training session in November (2024) in San Rafael, CA. Votes as follows:

Director Johnson – YES

Director Heimericks – YES

Director Baliel – YES

Director Schopf – Voted he will think about it

President Russell – No vote given.

19. MANAGERS REPORT

Tommy Circle Project is underway. The District should have the BSK lab report for French Well and if testing looks good then the well can go live. Fletcher Well is being worked on. The District employees have completed Violence Prevention training and receive certificate of completion.

DIRECTORS COMMENTS & SUGGESTIONS

President Russell said she has questions for Attorney Mitchell on the minutes before she approves them.

ADJOURNMENT: 9:12PM

Respectfully submitted by:

Edmond J. Leggette

General Manager/Secretary to the Board