

**FLORIN COUNTY WATER DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
7090 McComber Street
Sacramento, CA 95828
Tuesday, January 17th, 2023
7:00 p.m.**

CALL TO ORDER AND ROLL CALL:

President Baliel called the meeting to order at 7:00 p.m.

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

2. ESTABLISH QUORUM:
Quorum established.

3. PUBLIC COMMENT:

Members of the audience were invited to speak and commented on

- Interaction with LAFCO
- Capital improvement plan (office staff currently preparing)
- Questions of location and availability of District bylaws, policies and procedures
- Work in progress (site specific locations/residences stated)
- Need to have named Secretary for the Board minutes completion – not a General Manager responsibility
- Clarification of website posting dates of meetings
- Appreciative speaker who expressed thoughts that staff responsiveness made this the “best Water District ever!”

Suggestions and recommendations included

- Hiring a designated employee to record and complete monthly and special meeting minutes
- Revise reporting for financial information included in the minutes for clarity and transparency
- Look into having Interns from local High School Vocational Education Departments

On the advice of the Attorney, each of the following Agenda items was to be opened for public comment, as required by recent CA legislation.

4. CONSENT CALENDAR:

A1. Minutes – December 6th, 2022.

President Baliel entertained a motion to approve the December 6th, 2022 minutes.

Motion: Director Schopf so moved.

Second: Director Parsons.

Vote: 3 Ayes, 2 Abstains

A2. Minutes – December 12th, 2022.

President Baliel entertained a motion to approve the December 12th, 2022 minutes.

Motion: Director Johnson so moved.

Second: Director Heimericks.

Vote: All Ayes

B. Accounts Payable

President Baliel entertained a motion to approve the accounts payable.

Motion: Director Johnson so moved.

Second: Director Schopf.

Vote: All Ayes

C. Adjustment Report:

Director Heimericks posed a question regarding the Governors Executive Order was still in effect. Manager Leggette informed him that the Order was lifted.

President Baliel entertained a motion to approve the adjustment report.

Motion: Director Heimericks so moved.

Second: Director Parsons.

Vote: All Ayes

5. COMMENTS BY DIRECTOR JOHNSON:

Director Johnson read a prepared statement and offered a motion. The Attorney informed her that the motion was out of order and therefore negated due to the Agenda stating *comments* without identifying the potential of a motion.

6. GENERAL MANAGER SALARY:

Director Heimericks gave a presentation of the research he had done concerning the General Managers salary:

- There are 28 Water Districts in Sacramento California.
- Director Heimericks used the sites: publicpay.ca.gov and transparentcalifornia.org
- He reviewed the salaries of the General Managers for 8 Water Districts of approximately the size of Florin County Water District (The data for each District Reviewed was given to each Director.
- He also provided a summary of his findings to the Board. See Attachment #1

After lengthy discussion by the Board and Public Comments, Director Heimericks made the following motion:

After reviewing the salary data for General Manager positions for several Water Districts in the Sacramento area, the salary for the General Manager of the Florin County Water District is established at \$120,000.00 annually. This salary will be paid retroactively to September 8, 2022, including (back) overtime pay for which the General Manager has not been paid to date. Moving forward as a salaried position, the General Manager's position is not entitled to overtime pay. In addition, the General Manager may utilize District vehicles, for District work, 24 hours a day. This vehicle is provided to permit response to emergencies within the District.

President Baliel entertained a motion to approve the General Manager's Salary and use of District vehicle.

Motion: Director Heimericks so moved.

Second: Director Johnson.

Vote: 4 Ayes, 1 Abstain

7. BOB MURRAY & ASSOCIATES:

President Baliel stated that Bob Murray & Associates is a firm to look for a new General Manager and other people in the District that is needed. Director Johnson called attention to the November 2, 2022 FCWD meeting minutes when Past President Clary informed the Board that the Attorney said the job had to 'reposted' due to the need for more applicants. Attorney Mitchell disclaimed that statement, saying he did not nor would he ever make such statements, declarations, or recommendations. Director Heimericks requested that the Board receives the "contract" and handouts about what the firm does. Discussion concluded with President Baliel announcing that Bob Murray & Associates, would attend the February 13, 2023 meeting of the FCWD Board of Directors for contractual discussions.

Motion: Director Baliel so moved.

Second: Director Schopf.

Vote: 4 Ayes, 1 Nay

8. EMPLOYEE COMPENSATION ROLLBACK:

Discussion was held regarding professional audits wherein compensation for Office and Field staff's necessary adjustments, based on printed, verified salary information. Director Heimericks made a motion and no action was taken. Director Heimericks then volunteered to gather pertinent information to be presented on completion of a compensation study.

9. OVERTIME POLICY:

After discussion, Director Heimericks suggested that an ad hoc committee be formed to prepare an overtime policy for hourly employees. President Baliel agreed to work with Director Heimericks.

10. BOARD GOVERNANCE:

Questions for the Attorney

- Director Schopf's resignation and subsequent reappointment – Director Schopf is properly in Office.
- Director Baliel's appointment by the Board of Supervisors – Director Baliel was properly appointed to Office. Director Heimericks asked for copies of what was sent and received to/from the Board of Supervisors.
- Residency requirements for Directors of District – Tabled until the next meeting on February 13, 2023.

Discussion Items

- Vacation days for FCWD staff – Before 5 years of service is paid 5.83hr/month and after 5 years of service is paid 8.75hr/month.
- What are staff salaries – This information was provided in written form, and included in the Board packets. See Attachment #2
- Wells that are down and records of how many gallons for 5 years of pumping – This data was previously presented in several prior meetings in vocal presentations by the General Manager and the Superintendent. This information was provided in written form, and included in the Board packets. See Attachment #3
- Manager needs to find out where pumps are from last GM taking them out of Wells – General Manager Leggette reported that the pumps were not salvageable and the Diana Well motor and the Post Office Well motor are in the Districts' yard. The motor for French Well is on site.
- Status and records of all Wells in FCWD – Will be discussed in Well Rehabilitation.
- Where is all FCWD equipment being stored – This information is provided in written form for Agenda Item #16. See Attachment #4
- A list of all equipment that FCWD owns – This information is provided in written form for Agenda Item #16. See Attachment #4
- Hiring an Agency to find us a General Manager for FCWD – This matter was already discussed in Agenda Item #7.
- Clarification on whom can contact/call Attorney for FCWD – Responding to a question, Attorney Mitchell stated all pertinent discussion from a Board Member to the Firm was shared with Board Members. That statement was then qualified as re-stated: if a Board Member asked a question which might be inferred to present a conflict to themselves (personally), then that data was not shared due to confidentiality concerns. Director Johnson expressed concern as to the cost of Directors using calls to the legal representation as 'gaining unauthorized information, attempting to sway information' with the onslaught of calls for obtaining legal aide, noting that the District paid '\$22,048 & change' for calls to the legal firm January 1 – November 30, 2022. Director Heimericks motioned that the President be allowed not more than 1 hour a month to discuss matters with the Attorney, and the General Manager could contact the Attorney on an unlimited time basis.

Motion: Director Heimericks so moved.

Second: Director Schopf.

Vote: 4 Ayes, 1 Nay

- Why was FCWD office closed on Friday, December 23rd, 2022 – General Manager Leggette stated that the Holiday Schedule is posted on the office wall. The office was closed on December 23rd, 2022 because the Christmas Eve Holiday fell on a Saturday so it is observed on Friday and the Christmas Day Holiday fell on a Sunday so it was observed on Monday. Director Johnson asked President Baliel when Martin Luther Kings' Birthday was and President Baliel stated that he doesn't care. Director Johnson stated that Martin Luther Kings' Birthday was actually on a Sunday and it was observed on that Monday.
- Conflict of interest: ABVC not doing any work for FCWD – President Baliel stated that he had done work for the District at no cost. The Attorney spoke of the law and advised that even a perception of conflict/lack of recusing that might be questionable which could be cause of difficult legal problems for the District
- General conflict of interest for other parties that will no longer be allowed in FCWD - While no clarification with the demand of having this placed on the agenda was offered to ensure awareness, clarity, and transparency, Directors expressed belief that the issue had been thoroughly dealt with in discussion of the previous issue.

11. BOARD POLICY MANUAL:

A policy manual has not been developed. It was unanimously agreed that the Board should have a policy manual. No action was taken.

12. WELL REHABILITATION:

General Manager Leggette provided a list of all the Wells. The status of Well Rehabilitation was reviewed. General Manager Leggette provided the conditions of McComber Well, Diana Well, French Well and Fletcher Well. Director Baliel recalled the District has a contract with Hedman Drilling for Well Rehabilitation. General Manager Leggette and Directors requested a copy of said contract, as there is not a file that can be located in the District office. Dan Hedman of Hedman Drilling was present, he distributed work paper explanations, and engaged in discussion concerning upcoming work on existing pumps which the District owns and maintains. With several critical time/actions rapidly approaching. Hedman is to be in close contact in the upcoming week with General Manager Leggette regarding scheduling and costs.

13. 2022-2023 BUDGET:

General Manager Leggette gave a brief overview to proposed changes in the budget classifications, while noting the need for further refinement. So ordered by agreement of all Directors present. This item was tabled

14. AUDIT REVIEW:

Director Heimericks presented a summary of the findings. During discussion it was emphasized that the matter will be revisited as soon as possible, and that further exploration will be needed to enlist a new Auditor to complete annual work. The General Manager was tasked with seeking an audit business to complete future projects. Director Heimericks will prepare the proposed response to the Audit at the next meeting. He will also review each finding and propose appropriate action to resolve the findings. See Attachment #5

15. FORENSIC AUDIT COMPANY:

Attorney Jeff Mitchell requested that his office provide the proposed solution to the questions on pay working with the District accountant. This was approved. Collins Accountancy will be conducting an Audit for the PERS findings in previous Audits.

16. REVIEW OF DISTRICT EQUIPMENT:

General Manager Leggette provided a printed listing and operational status of all District equipment. Those equipment pieces which are inoperable will be further studied for proposed removal and/or disposal. Discussion ensued regarding the Bore rig & Trailer, which are currently being stored at the residence of a former employee. General Manager Leggette informed that the machinery will be moved when a designated FCWD employee obtains a DMV Class A license.

17. RATE STUDY:

Opinions were expressed that Board members were not prepared to discuss the matter at this meeting. President Baniel ordered the matter tabled.

18. COMPLIANCE WITH SENATE BILL 552:

Senate bill 552 requires small Districts to report water supply conditions, production, and demand information to the State Board annually. General Manager Leggette assured the Board that the District was in compliance.

19. COMPLIANCE WITH SENATE BILL 141.84:

EPA CFR 141.84 establishes deadlines for incurring that water lines are not composed of lead, galvanized requiring replacement, non-lead, and lead status unknown. General Manager Leggette has not initiated action to comply with the requirement. A proposal will be presented at the next Board meeting.

20. NOTICE OF ADVICE LETTER:

California American Water Districts provides its customers with information of importance to users, such as water restrictions, reminders to turn off irrigation during rain, etc. It was agreed that Florin County Water District should also provide this type of information to its users. No action was taken.

21. NEW BOARD MEMBERS QUESTIONS/CONCERNS OF PREVIOUS MEETINGS:

Director Heimericks had the following questions/concerns.

- April 1, 2021 Minutes, Health Benefits for Employees' families – Director Parsons stated that nothing was done about this. President Baniel said that the Board said no, it would be too costly for the District. Director Heimericks then pointed out that the minutes did not reflect that.
- May 10, 2021 & June 14, 2021 Minutes, Capital Improvement Plans – General Manager Leggette stated that we do have a CIP but it needs to be revised and we have already started working on it.
- January 18, 2022 Minutes, Tailgate meeting – General Manager Leggette explained that every Wednesday before the field staff starts their shift, he holds a safety meeting and that is what a Tailgate meeting is.
- September 23, 2022 Minutes, Motion to hire and Advisor – President Baniel stated that no action was taken on motion.
- October 11, 2022 Minutes, Muni-Link – General Manager Leggette stated that is the new billing system software.
- Do we have a map of our District – General Manager Leggette said we do have a map but it needs to be updated. He also stated that Home Land Security would not permit a map with locations of Wells identified.
- Why doesn't the Board get a Balance Sheet, Profit & Loss at the meetings – Director Heimericks requested that these reports become part of the monthly information provided to the Board. No objections to this request were voiced.
- What training is set up for the Board – General Manager Leggette stated that he is currently looking into in-person Brown Act training. If he can't find in-person

training than CRWA has one that can be done online. Attorney Jeff Mitchell stated that Brown Act training is required by AB1234.

- *Is the District sending anybody to the annual CRWA conference* – General Manager Leggette stated that it has been years since anybody has gone.
- *Does the District have an apprentice program* – President Baliel said no we don't. General Manager Leggette stated that at one time the District did have two apprentices but currently there are none.
- *Does the District do a water loss audit* – General Manager Leggette said that the District does not do this but we should.
- *Cut-off on time topics for the Agenda need to be presented* – After discussion the Board agreed that all Agenda Items need to be presented to the staff 7 days before the scheduled meeting with an exception of emergency items/meetings.

22. MANAGERS REPORT:

Manager Leggette gave a verbal report of the Districts operations. He stated that there are numerous leaks through out the District but the biggest one is on Florin Road and it should be addressed first. There is leak on Fletcher Farm Drive where a saddle broke, the saddles in this neighborhood are horrible and will be added in the Capital Improvement Plan. He also informed the Board that there were 3 different Hydrant strikes in the month of December.

DIRECTORS COMMENTS & SUGGESTIONS

Director Johnson thanked Director Heimericks for the purchase and distribution of 'The Water District Bible' which said she had read and found very significant, urging all Directors to read and study the valuable handout. Director Johnson also stated that many Water Districts honored retiring/resigning Directors with a Proclamation of thanks, usually prepared by those with whom they had served. Since none had been forthcoming, she prepared a Proclamation, and asked Director Heimericks to read it into the minutes. It was agreed to have the Proclamation copied to 'pretty paper' and signed by all Directors at the next meeting. See Attachment #6

ADJOURNMENT: 10:58 p.m.

Respectfully submitted by:

Edmond J. Leggette

General Manager/Secretary to the Board

Attachment #1 – Summary of General Manager Salaries
Attachment #2 – Employee Wages
Attachment #3 – Yearly Pumping Records
Attachment #4 – District Equipment
Attachment #5 – Summary of Audit Findings
Attachment #6 - Proclamation