

**FLORIN COUNTY WATER DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
7090 McComber Street
Sacramento, CA 95828
Monday, June 5th, 2023
6:00 p.m.**

CALL TO ORDER AND ROLL CALL:

President Baniel called the meeting to order at 6:03 p.m.

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

2. ESTABLISH QUORUM:

Quorum established.

Director Johnson brought attention to some concerns of the agenda, i.e., no District website address was listed, which she understood was required. Attorney Mitchell disclaimed knowledge of such requirement. She also questioned the absence of the SB 1100 legislation requirement. Attorney Mitchell did not concur that for this meeting that information should be included. Director Johnson further called attention to agenda item #4 asking why an 'action' movement was not required? Attorney Bernadette responded that the word decision should be considered as the action item.

3. PUBLIC COMMENT:

Cindy Russell was present and questioned the inclusion of the routine announcements on the agenda, insisting they were not necessary for special meetings. Attorney Mitchell explained that those announcements were included for any who might be attending a meeting for the first time with the instructions clearly noted as to the expectations noted for inclusionary participation. Ms. Russell explained that she conducted many meetings and it was not necessary, appearing to challenge Attorney Mitchell regarding the matter. Attorney Mitchell responded that he was perfectly in agreement with the language on the Agenda.

Director Johnson brought attention to a series of emails between Ms. Russell and the Sacramento County Voter Registration department wherein she described her efforts and those of 'Florin County Water District' to ostensibly obtain an appointment to the Board of Directors. She also wrote of the visit to Supervisor Serna's office wherein she said she had carried a letter that appointed her to a vacancy on the District Board. *Note:* the date of the emails sent to VR and Supervisor Serna's office was before the District office received notice of Ms. Parsons resignation.

Director Heimericks said he had been unaware of the resignation and asked when it had been received in the District office (received by fax on May 18, 2023 @ 9:11am). Attorney Bernadette said she had sent the information to all Directors. Director Heimericks expressed concern of the email regarding the visit to Supervisor Serna's office. He specifically asked if Ms. Russell had a letter appointing her to the District Board. Ms. Russell denied that was the case. Ms. Russell stated that she believed the County Supervisors would make an appointment.

4. DISCUSSION AND DECISION ON PROCESS FOR FILLING VACANCY ON BOARD OF DIRECTORS – BY APPOINTMENT, OR BY ELECTION:

President Baliel presented a document entitled "How To Fill A Vacancy" a publication from Sacramento County Elections Department. He then said first we need to contact the Board of Supervisors. Whereupon Attorney Mitchell launched an explanation of the vacancy filling process. He explained first that the Board of Supervisors had limited authority for action at the District level. Attorney Mitchell went on to detail the step-by-step process required if the Board chooses to appoint a Director, e.g., postings, recruitment process, application deadlines, and interviews. Or, he said the Board can choose to work with the Elections Department and set an election for the vacancy noticing it would most likely be expensive but he had not been able to obtain an exact potential cost. Director Johnson said in the past a special election cost a minimum of \$75,000.

Director Heimericks said he had given thought to the issue and would support an appointment wherein he offered the motion to inform the Elections Department that the Board would begin the appointment process for filling the vacancy. Director Johnson seconded the motion which pass unanimously.

Director Heimericks then said he felt strongly that many efforts should be made to inform of the vacancy, and led discussion of how best to achieve that. He ultimately made the motion to have the notice of vacancy with an application sent to all rate payers of the District and so moved. Director Johnson seconded the motion which passed unanimously.

Attorney Mitchell led the Board in setting the appointment policy and set the dates for response times. Discussion ensued regarding requirements for seating a new Board member, must be a resident of the District. President Baliel said his understanding was that a business owner, but not a resident of the District could be appointed. Attorney Mitchell strongly reiterated California State Law requires the residency. President Baliel asked wherein law this was found. Director Johnson said check California Water Law, with President Baliel saying to Director Johnson, "just because you are here in the office all the time..." Director Johnson took huge offense to that statement, declaring it to be totally false. Loretta Schopf called out from the audience, trying to admonish Director Johnson. She was not successful. Ms. Russell tried instigating an argument as she agreed with President Baliel about a property owner, not a resident but eligible for appointment to a Directorship. Attorney Mitchell vehemently asserted that the matter had been thoroughly explain in a written correspondence to the Board which detailed that only a resident could be appointed or elected. Director Heimericks clarified that only rate payers of the District will be contacted for a potential appointment. Ms. Russell continued that a business might be a rate payer but not a resident. Attorney Mitchell again said only residents who are rate payers are eligible.

Attorney Mitchell concluded the meeting by reiterating the importance of the dates set by law and urging all Directors to adhere to those deadlines. He then said that he and Attorney Bernadette would transmit to the District office the next morning (6-6-23) the necessary language to be sent.

ADJOURNMENT: 6:36 p.m.

Respectfully submitted by:

Edmond J. Leggette

General Manager/Secretary to the Board