

**FLORIN COUNTY WATER DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
7090 McComber Street
Sacramento, CA 95828
Monday, November 13, 2023
7:00 p.m.**

1. CALL TO ORDER AND ROLL CALL:

President Baliel called the meeting to order at 7:00PM

Timothy Baliel	President	Present
Gary Schopf	Director	Present
Judi Johnson	Director	Present
Leonard Heimericks	Director	Present
Cindy Russell	Director	Present
Edmond Leggette	General Manager	Present

2. ESTABLISH QUORUM/APPROVAL OF AGENDA:

Quorum established.

Director Johnson moved to approve the Agenda. Director Heimericks second the motion Board not all in favor to approve Agenda.

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

3. PUBLIC COMMENT:

Member of the Public asked if General Manager Leggette found out what the odor is at the Diana Well site and why that well is being flushed for an extended period of time.

Member of the Public asked who tests the water at the Wells.

Attorney Bernadett advised the Board and General Manager Leggette that during Public Comment this is not the appropriate time to answer the Public's questions, like a Q&A, but those questions can be discussed/answered later in the meeting during that specific Agenda item.

General Manager Leggette told the members he would answer their questions during the Well Rehabilitation portion of the meeting to which the Attorney said that's perfectly acceptable response to the Public's questions.

4. CONSENT CALENDAR

A. Minutes – Revised August 14, 2023, September 11, 2023, September 19, 2023, October 4, 2023, October 9, 2023, and October 30, 2023

Director Heimericks made a motion to approve minutes.

Director Johnson wants to amend the motion pending her concerns being addressed regarding August 14th minutes in which she will discuss during Directors Comments and Suggestions.

Board not all in favor to approve minutes.

Director Heimericks – YES

Director Johnson – YES, pending approval of amendment

Director Baliel – NO

Director Schopf – NO

Director Russell - NO

B. Accounts Payable

Director Johnson made a motion to approve Accounts Payable.

***There was no second to the motion**

Director Russell said she had a couple questions regarding a few invoices that she would like to further look over before she votes to approve. General Manager provided the invoices and answered her questions.

Director Johnson raised concern as to why Accounts Payable questions are being discussed during the Board Meeting when the Board had agreed to receive their meeting materials earlier.

At this time Director Baliel asked for the final vote. He asked Director Heimericks first, Director Russell second, and Director Johnson third. Director Schopf was not asked for his vote. Director Baliel did not state his own vote. Attorney Bernadett asked what Director Baliel's vote was and he said he abstained from voting.

Accounts Payable approved by a majority vote.

Director Johnson – YES

Director Heimericks – YES

Director Russell – YES

Director Baliel – ABSTAIN

Director Schopf -

C. Adjustment Report

Director Johnson states she asked the Billing Specialist, Mia, to shorten the adjustment report since the current report is very lengthy. Director Johnson provided a draft for the Board to see but said it will be added to the agenda for next month's meeting.

All five Directors voted to approve current Adjustment Report.

5. EMPLOYEE COMPENSATION STUDY

All five Directors agreed to postpone to next Board Meeting.

6. STRATEGIC PLANNING (CIP)/RATE STUDY

All five Directors agreed to have a Special Meeting on Monday, November 27, 2023, at 7:00PM to discuss this Agenda item.

Director Heimericks requested that General Manager Leggette gather information on the aging of the District's equipment and what that cost for repair/maintenance would possibly be for the future. Director Heimericks also requests that General Manager Leggette check with County planning to see if there are any developmental plans for the empty lots within the District.

7. GASB 75 – CalPERS

There was confusion regarding funds for CalPERS account. Director Heimericks asked that General Manager Leggette reach back out to the CalPERS Rep. for clarification and ask that he get that information in writing.

Board Members noticed that Agenda items 7 (GASB and 8 are basically one in the same and said those items should be combined and discussed at the next meeting.

Board took a vote to table until next meeting. Votes as follows:

Director Johnson – NO

Director Baliel – ABSTAIN

Director Heimericks – YES

Director Russell – YES

Director Schopf - YES

8. STATEMENTS & RESULTS OF MEETING WITH CalPERS REPRESENTATIVE

*See notes for previous Agenda Item (Agenda Item #7).

9. REQUEST FOR PROPOSALS – PUBLIC RELATIONS AGENCIES

Director Baliel suggested that this Agenda item be added to the Agenda for the November 27th Special Meeting and if there is not enough time to discuss this item at the meeting then they will have another Special Meeting to discuss.

Director Heimericks agreed. Director Heimericks made a motion to discuss this Agenda item at the November 27th Special Meeting.

Director Russell second the motion.

Vote approved by majority. Votes as follows:

Director Heimericks – YES

Director Russell – YES

Director Baliel – YES

Director Schopf – YES

Director Johnson – NO

This Agenda item will be added to the Agenda for the November 27th Special Meeting.

10. REVIEW ALL BOARD SUGGESTIONS REGARDING SHARING NEWS AND INFORMATION WITH RATE PAYERS

The Board acknowledge this item piggybacks with Agenda Item number 9 (Request for proposals – Public Relations Agencies), and agrees to add this to the Special Meeting Agenda on November 27, 2023.

Director Johnson expressed her concern that if the Board is agreeing to regular mailings that the District needs to consider costs of mailings as the District is currently in a deficit.

The Board requested that General Manager Leggette bring information to the Special Meeting on what the projected cost of mass mailings could be.

11. SELECTION OF AUDITOR

Director Johnson made a motion to form an audit committee of two (2) Board Members to be able to speak with the auditor and become familiar with all aspects of the audit and gain better understanding of the audit process once audit is completed and before the presentation to the Board.

Director Heimericks second the motion.

Board not all in favor. Director Baniel said 2 YES and 3 NO, however Director Schopf did not speak his vote. Votes as follows:

Director Johnson – YES

Director Heimericks – YES

Director Russell – NO

Director Baniel – NO

Director Schopf –

Director Heimericks made a motion to accept the auditor bid subject to Larry Bain giving the District another name for an auditor to talk to. If not, then the Board will accept the bid of \$15,500 and any other expenses for the audit must be reviewed and approved by the Board before the auditor proceeds.

Director Baniel second the motion.

Not being asked for her vote, Director Russell said she would vote yes to the motion.

Once the meeting looked like it would continue, Director Johnson asked if the Board was going to vote on the motion as she was not asked for her vote to which both Director Russell and Director Heimericks said the Board just voted. Director Baniel on audio did not formally ask for the other Board Members vote.

Director Johnson expressed that she would vote NO in contacting the District's previous auditor due to their service charges.

Member of the Public asked for the previous motion if the vote was 4 YES and 1 NO. Director Baniel responded, "Yes."

Listening back to the audio, once Director Baniel second Director Heimericks' motion, Director Baniel did not ask Director Johnson, Director Russell, nor Director Schopf for their vote.

12. WELL REHABILITATION

Fletcher is flushing and should be complete soon once flushing is done.

French is scheduled to start reinstalling electrical. SMUD is ready to install transformer.

Diana well is still under rehab. The odor found at the well is due to turbine oil outside of the water tank. Once well is done flushing, testing will be done to make sure it is safe to go online.

No motion needed as this section is informational.

13. REPORTS ON EPA 40cfr 141.84 STATUS

General Manager Leggette noted that out of the 87 they only need to verify 21 more streets. That report will be completed and ready for December's Board Meeting.

This section is informational.

14. REPORT ON WATER USER NOT BEING BILLED

General Manager Leggette said in Kara Tract, property owners are building MIL quarters and/or full on second homes on their lots. These homes are to have their own separate water line and these new homes are tapping into the main house water line which is incorrect because all new construction needs to be on a meter.

This information and zoning laws will be verified before proceeding accordingly.

15. REPORT FROM LEGAL STAFF ON PROPOSED DISTRICT POLICIES

Attorney Bernadett notes that some of the policies listed in Agenda Items 15 and 16 are contrary to current law. Legal recommends that the Board focuses on two or three policies a meeting.

Attorney Bernadett said that items 15A-15C are still under review as there is quite a few redlines on these policies and they require substantial revision that Attorney Mitchell has not had the chance to complete review and sends his apologies.

A. Board President & Officers Duties

Needs further review and revision.

B. Budget Preparation

Needs further review and revision.

C. Travel Procedures & Expenditures

Needs further review and revision.

Director Baliel recommends to table this section to allow Legal more time for review and revision.

16. PROPOSED DISTRICT POLICIES

A. Training/Certification

Director Johnson asked for clarification because the Draft policy states, "All Training and Certification to be available to the Board for Inspection upon request." Director Johnson asked the clarification on "All..."

General Manager Leggette said the new hires have classes scheduled but have completed all other necessary training and all the other Field Workers are trained and certified.

Director Heimericks asked if this falls under looking at their personnel files which the Board is not allowed to do so.

Attorney Bernadett echoed that concern and noted the Board will need to be clear with their communication with this policy because looking at Certifications is ok but looking at an employee's personnel file is prohibited.

Attorney Bernadett said that Legal has not discussed most of the policies that have been presented. She continued that the Board can proceed how they want, but it is at the recommendation of Legal to have Legal further review and refine.

Director Baliel said he wants to proceed to put a few of these policies in place. On the contrary Attorney Bernadett said Legal should review so they can check these policies coincide with current laws.

B. Office Hours

A Member of the Public raised concern that the policy states, "No office personnel shall work overtime, unless approved by the Board. A request for overtimes needs to be submitted in writing to the Board for approval or rejection," adding that this is not practical.

Director Baliel's wife raised concern that the Office Manager has significant amount of overtime from year 2016-2022. General Manager Leggette states that those overtime hours coincide with Board meetings and making sure the Board had their meeting materials on time.

Director Russell made a motion to approve the policy.

Attorney Bernadette chimed in and said she recommends, before this policy goes to a vote, that Legal reviews and run this by an Employment Attorney to make sure everything is done accurately because this current policy has potential Brown Act violations and may go against Employment laws.

In response Director Baliel says to Attorney Bernadett, "Well you know Lauren we have tried to pass stuff for over a year and you guys have not gotten off your dead asses but yet you charged us..."

Attorney Bernadett stated for this policy she has only had in her possession for about a week.

Director Russell made a motion to have Legal review this policy as well as the other policies presented and will revisit at another meeting.

Director Baliel second the motion.

The Board unanimously agrees. Board all in favor.

C. Payment to FCWD for Water and other Services

Board voted to have Legal further review and revise and necessary.

D. President Roles & Responsibilities

Director Russell recommends to combine this policy with Agenda Item 15 A.

Board voted to have Legal further review and revise as necessary.

E. Accounts Payables/Check Signing

The Board does not unanimously agree this Policy has previously been approved and will need to be voted on at another meeting.

Board voted to have Legal further review and revise as necessary.

***AT APPROXIMATELY 1 HOUR 32 MINUTES AND 22 SECONDS INTO THE BOARD MEETING, DIRECTOR BALIEL CALLS A 5 MINUTE RECESS.**

F. Nepotism/Cronyism

Board voted to have Legal further review and revise as necessary.

G. General Manager Vacation

Board voted to have Legal further review and revise as necessary.

H. Travel Policy

Board voted to have Legal further review and revise as necessary.

I. Cancelling/Rescheduling of Meeting

Board voted to have Legal further review and revise as necessary.

J. Requirements to be Board of Director for FCWD

Board voted to have Legal further review and revise as necessary.

K. Notification to Property Owners Authorizing Work on Premises

Board voted to have Legal further review and revise as necessary.

17. MANAGERS REPORT

Wells are still getting worked on. Over 30 homes have been upgraded this month. Tommy Circle probably will not start until mid-December because we are still waiting on parts to arrive.

DIRECTORS COMMENTS & SUGGESTIONS

Director Johnson requested the General Manager Leggette write a letter and get clarification on parking at the District building.

Director Johnson asked for clarification that it was said that the District had to wait three years to install meters. Director Baliel said it came from Attorney Bernadett that the District did not have to worry about meters for about another three years. Attorney Bernadett clarified that the law states for a District of this size that meters do not have to be installed until 2032. Previously it was said that meters would have to be installed by 2028 and it was up to Legal to go back and correct the year. The Board however can install meters when they would like.

ADJOURNMENT: 9:05PM

Respectfully submitted by:

Edmond J. Leggette

General Manager/Secretary to the Board