

**SIX HUNDRED TWENTY FIRST MEETING OF THE BOARD OF DIRECTORS  
OF THE  
EL DORADO HILLS COUNTY WATER DISTRICT**

The six hundred twenty first meeting (a special meeting) of the Board of Directors of the El Dorado Hills County Water District was held on Thursday, June 5, 2008, at 3:00 p.m., at the regular meeting place of the District, the District Office, 1050 Wilson Blvd., El Dorado Hills, California. Present were Directors Durante, Hartley, Hidahl, Knight and Thomsen with President Hidahl presiding. Counsel Mike Cook was also in attendance. Chiefs Veerkamp, Planje, Kennedy, Piper, Roberts, and Chief Financial Officer Bair were also in attendance.

President Hidahl called the meeting to order and led the Pledge of Allegiance.

Matt Beckett addressed the Board as the interim President of the El Dorado Hills Associated Firefighters. He read a letter stating that he would like to establish an Adhoc Committee with the President and Vice-President of the Board. The purpose of the Committee will be to clarify recent occurrences and communication between the Board and the El Dorado Hills Associated Firefighters. He stated that it in no way related to the operations of the Fire Department.

President Hidahl directed himself and Director Knight to meet with the Associated Firefighters as requested. They will report back at the next regular meeting.

President Hidahl had called the special meeting to review two letters from the firefighters and bring resolution to this issue.

Chief Veerkamp felt that he had been directed to contact Counsel Sheston relating to the letters. Counsel Sheston had drafted a response which Chief Veerkamp had delivered to both employees within the week after the initial discussion on April 30, 2008. The letter in short stated that the employees had not been disciplined.

Counsel summarized that when the matter came up in April, the Chief responded. He stated that there was no action taken at the May meeting because the issue was not properly before the Board. He indicated that discussion of the matter was constrained as it was a personnel matter. There are three ways for an employee to address the Board on a personnel matter: 1) by following the disciplinary appeal process in the event of discipline, 2) by following the grievance process, or 3) by directly addressing the Board in open session. The problem is that the letters constitute an appeal to discipline but do not follow the proper procedures and are, therefore, not properly before the Board. The second process is the grievance procedure, whereby an employee can grieve to the Board if their concern is not resolved at the Chief's level. This can also be done in an open or closed session. The third process is a direct request from the affected individual in an open session. Counsel Cook stated that the process is a confused and convoluted issue. The letters appear to be an appeal from discipline, with allegations that discipline procedures were not followed. The response from the District was that discipline was not imposed. The next step would be to grieve the action taken and deal with it on that level. One letter includes the word grievance but the grievance procedures were not followed. Counsel Cook indicated that he continues to believe what he has stated at the last two meetings; this issue was not properly in front of the Board. Counsel Cook stated the following: 1) Procedure will be critical; improperly following procedure is prejudicial. 2) There is no real time sensitivity, it's simply a matter of the remedy being a payment of money, and 3) Remedies can be achieved but the procedure must be abided by. In the end, the Board could review the discipline which could be compromised if the Board heard the information in public. He urged the Board to follow the proper procedure to hear the matter and then make a determination.

Counsel Cook advised that if the Board simply heard the matter in open session outside the grievance or disciplinary process, the Board may be compromising its ability to hear it later in closed session as a disciplinary review or as a grievance.

The Board felt that they would like to hear from the individuals and get the issue resolved. Counsel Cook advised the Board that they could hear it very soon, within a day or so, but they needed to follow proper procedure. It was discussed that the individuals could file a grievance and then be heard or that Chief Veerkamp could actually impose discipline and thereafter follow the disciplinary appeal process.

Dave Merino, representing Dale Hemstalk and Mike Lovinger, stated that they would like to go ahead in open session. He stated that the process was started and then stopped based on procedure. He stated that he had court cases that refer to this as punitive action. He referred to Code Section and the Rules and Regulations that would require the Board to hear their issues.

President Hidahl asked if they would like to be heard in open session. Dave Merino stated that it is an appeal to discipline, not a grievance and that a firefighter can appeal to the Board at any time. He has no problem with open session, but would like the opportunity to appeal the decision.

Counsel Cook jumped in before any further discussion, and stated that he doesn't want to force the firefighters into open session. He also disagreed that the Rules and Regulations offer a direct appeal to the Board. He doesn't want to prevent the Board from hearing it, but wants it fair for everyone. He stated that with proper waivers from both sides, he may be able to hear this as a grievance in closed session which would give the Board full range.

Dave Merino asked how much information he needed to provide to get the ears of the Board. Director Thomsen requested that the Board hear the issue now and figure out how to

move it into closed session. Counsel Cook stated that the Board cannot go into closed session unless under very specific parameters. Dave Merino stated that he present in public then, in order to get the item heard. He stated that the two gentlemen (Hemstalk and Lovinger) have been living in hell for two months and want to get the issues resolved. He doesn't want any more delays. He stated that he has handled the procedures correctly and was denied administrative appeal.

Counsel Cook stated that he didn't want procedure to outweigh substance, but to the extent that procedure is not followed, you must have waivers. He did not want to request waivers without their Counsel agreement. Director Thomsen and Dave Merino both requested that the issues be heard right now.

Counsel Cook requested a fifteen minute recess to review the process and procedure for waiving rights in order for the process to continue.

The Board adjourned to recess at 4:03 p.m. and reconvened at 4:28 p.m.

Counsel Cook stated that in the initial letters from April, one indicated a grievance and the other could be construed as a grievance. If the Board wants to waive timelines under grievance procedures outlined in Article IX of the Rules and Regulations, and if the two individuals want to pursue a grievance and also are willing to waive administrative procedure per Board timelines, knowing that it is an evidentiary hearing and knowing that Department Counsel is not available and that the Board may want to hear her opinion, and that the Board may choose to continue the meeting if additional information is necessary, then the meeting can proceed.

David Merino was asked if there is a grievance attached in both matters and if he would be willing to waive timeline rights, and does he know that the meeting may have to be extended and that he is the authorized representative for the two individuals and that they utilized outside Counsel for one specific matter on data search. David Merino acknowledged the

situation and waived grievance procedures and timelines to allow the matter to be heard.

Counsel Cook stated that the personnel can go into closed sessions individually with David Merino as the representative.

Chief Veerkamp understood and stated that he was also waiving the grievance procedure, knowing that the meeting could be continued.

The Board adjourned to closed session at 4:35 p.m. pursuant to Government Code Section 54957, Public Employee Discipline/Dismissal/Grievance/Release.

The Board reconvened at 5:04 p.m.

Director Durante had to leave. The meeting will be continued until Monday, June 9, 2008 at 5:00 p.m.

Director Thomsen moved to continue the meeting until June 9, 2008 at 5:00 p.m., seconded by Director Knight and unanimously carried.

The meeting adjourned at 5:06 p.m.

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**June 9, 2008 – 5:00 p.m. (Continued Meeting from June 5, 2008)**

The six hundred twenty first meeting (a special meeting) of the Board of Directors of the El Dorado Hills County Water District was held on Thursday, June 5, 2008, at 3:00 p.m., at the regular meeting place of the District, and continued to June 9, 2008 at 5:00 p.m. Present were Directors Durante, Hartley, Hidahl, Knight and Thomsen with President Hidahl presiding. Counsel Mike Cook was also in attendance. Counsel Stacey Sheston was also in attendance. Chiefs Veerkamp, Planje, and Chief Financial Officer Bair were also in attendance.

President Hidahl called the meeting to order and led the Pledge of Allegiance.

President Hidahl summarized what happened at the last meeting. He stated that they had heard thirty to thirty-five minutes of testimony and discussion before the meeting was continued. Counsel Sheston stated that she would have a few procedural questions in closed session.

The Board adjourned to closed session at 5:12 p.m. pursuant to Government Code Section 54957, Public Employee Discipline/Dismissal/Grievance/Release.

The Board reconvened at 8:02 p.m. No action was taken in closed session.

Director Hidahl stated that the matter would be continued until June 18 at the regular meeting. The meeting would be starting at 7:00 p.m. with closed session to be followed by the normal agenda.

Director Knight moved to adjourn the meeting, seconded by Director Durante and unanimously carried.

The meeting adjourned at 8:03 p.m.

Approved:

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John Hidahl, President

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Connie Bair, Board Secretary