



*Dedicated to
Satisfying our Community's
Water Needs*

**AGENDA
MESA WATER DISTRICT
BOARD OF DIRECTORS
Thursday, March 14, 2019
1965 Placentia Avenue, Costa Mesa, CA 92627
6:00 p.m. Regular Board Meeting**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

**ASSOCIATION OF CALIFORNIA WATER AGENCIES JOINT POWERS INSURANCE
AUTHORITY RECOGNITION**

PUBLIC COMMENTS

Items Not on the Agenda: Members of the public are invited to address the Board regarding items which are not on the agenda. Each speaker is limited to three minutes. The Board will set aside 30 minutes for public comments.

Items on the Agenda: Members of the public may comment on agenda items before action is taken, or after the Board has discussed the item. Each speaker is limited to three minutes. The Board will set aside 60 minutes for public comments.

ITEMS TO BE ADDED, REMOVED, OR REORDERED ON THE AGENDA

At the discretion of the Board, all items appearing on this agenda, whether or not expressly listed as an Action Item, may be deliberated and may be subject to action by the Board.

CONSENT CALENDAR ITEMS:

Approve all matters under the Consent Calendar by one motion unless a Board member, staff, or a member of the public requests a separate action.

1. Approve minutes of regular Board meeting of February 14, 2019.
2. Approve minutes of special Board meeting of February 19, 2019.
3. Approve minutes of special Board meeting of February 21, 2019.
4. Approve minutes of special Board meeting of February 25, 2019.
5. Approve attendance considerations (additions, changes, deletions).
6. Board Schedule:
 - Conferences, Seminars, and Meetings
 - Board Calendar
 - Upcoming Community Outreach Events

ACTION ITEMS:

7. RESOLUTION NO. 1521 – POLICY FOR PUBLIC RECORDS:

Recommendation: Adopt Resolution No. 1521 Amending the Policy for Public Records Superseding Resolution No. 1421.



8. MESA CONSOLIDATED WATER DISTRICT IMPROVEMENT CORPORATION ANNUAL MEETING:

Recommendation: Recess from regular Board meeting and hold Mesa Consolidated Water District Improvement Corporation Annual Meeting.

PRESENTATION AND DISCUSSION ITEMS:

9. MUNICIPAL WATER DISTRICT OF ORANGE COUNTY BRIEFING:

Recommendation: Receive the presentation.

REPORTS:

10. REPORT OF THE GENERAL MANAGER:

- February Key Indicators Report
- Other (no enclosure)

11. DIRECTORS' REPORTS AND COMMENTS

INFORMATION ITEMS:

12. DIRECTORS' REPORTS (AB 1234) PER CA GOVERNMENT CODE SECTION 53232.3 (D)
13. OTHER (NO ENCLOSURE)

In compliance with California law and the Americans with Disabilities Act, if you need disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, or if you need the agenda provided in an alternative format, please contact the District Secretary at (949) 631-1206. Notification 48 hours prior to the meeting will enable Mesa Water District (Mesa Water) to make reasonable arrangements to accommodate your requests.

Members of the public desiring to make verbal comments utilizing a translator to present their comments into English shall be provided reasonable time accommodations that are consistent with California law.

Agenda materials that are public records, which have been distributed to a majority of the Mesa Water Board of Directors (Board), will be available for public inspection at the District Boardroom, 1965 Placentia Avenue, Costa Mesa, CA and on Mesa Water's website at www.MesaWater.org. If materials are distributed to the Board less than 72 hours prior or during the meeting, the materials will be available at the time of the meeting.

**ADJOURN TO A REGULAR BOARD MEETING SCHEDULED FOR THURSDAY, APRIL 11, 2019
AT 6:00 P.M.**



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**MINUTES OF THE BOARD OF DIRECTORS
MESA WATER DISTRICT
Thursday, February 14, 2019
1965 Placentia Avenue, Costa Mesa, CA 92627
6:00 p.m. Regular Board Meeting**

CALL TO ORDER

The meeting of the Board of Directors was called to order on February 14, 2019 at 6:05 p.m. by President Dewane at the District Office Boardroom, located at 1965 Placentia Avenue, Costa Mesa, California.

PLEDGE OF ALLEGIANCE

Director Bockmiller led the Pledge of Allegiance.

Directors Present

Shawn Dewane, President
Marice H. DePasquale, Vice President
Fred R. Bockmiller, P.E., Director
James R. Fisler, Director
Jim Atkinson, Director

Directors Absent

None

Staff Present

Paul E. Shoenberger, P.E., General Manager
Phil Lauri, P.E., Assistant General Manager
Denise Garcia, Administrative Services Manager/
District Secretary
Wendy Duncan, Records Management Specialist/
Assistant District Secretary
Marwan Khalifa, CPA, MBA, Chief Financial Officer/
District Treasurer
Stacie Sheek, Customer Services Manager
Stacy Taylor, External Affairs Manager
Syndie Ly, Human Resources Manager
Celeste Carrillo, Public Affairs Coordinator
Jeff Hoskinson, Partner, Atkinson, Andelson, Loya, Ruud &
Romo

Others Present

Kelly Rowe, Director, Division 7, Orange County Water District
(OCWD)
Michael R. Markus, General Manager, OCWD
Luke Money, Reporter, Daily Pilot

PUBLIC COMMENTS

President Dewane asked for public comments on items not on the agenda.

There were no comments and President Dewane proceeded with the meeting.

ITEMS TO BE ADDED, REMOVED OR REORDERED ON THE AGENDA

President Dewane recommended reordering the agenda to take Item 15 after the Consent Calendar. There were no objections.

CONSENT CALENDAR ITEMS:

1. Approve minutes of regular Board meeting of January 10, 2019.
2. Approve minutes of special Board meeting of January 15, 2019.
3. Approve minutes of special Board meeting of January 17, 2019.
4. Approve attendance considerations (additions, changes, deletions).
5. Board Schedule:
 - Conferences, Seminars, and Meetings
 - Board Calendar
 - Upcoming Community Outreach Events
6. Approve a sponsorship with Ducks Unlimited, Inc. for Fiscal Year 2019 in the amount of \$1,000.
7. Approve a contract with Prime Systems Industrial Automation, Inc. for \$199,200 and a 10% contingency for an amount not to exceed \$219,210 to furnish, install, and integrate new programmable logic controllers at the Mesa Water Reliability Facility, and authorize execution of the contract.
8. Approve a Utility Agreement with Orange County Transportation Authority for \$943,152 and a 10% contingency for an amount not to exceed \$1,037,467 for the relocation of the Fairview Pipeline into the I-405 Overcrossing and approve a contract amendment with Tetra Tech, Inc. for \$25,000 for a total amount not to exceed \$50,000 for Professional Engineering Services on the I-405 Widening Project.
9. Approve Mesa Water District's audited financial statements for the fiscal year ended June 30, 2018 and direct staff to finalize the 2018 Comprehensive Annual Financial Report.
10. Declare the 2006 Ford F-250 as surplus and authorize the General Manager to dispose of the items within the established rules and regulations set forth in Resolution No. 1513 Disposal of Surplus Property.
11. Approve legal fees to Meyers Nave for an amount not to exceed \$200,000 regarding *Irvine Ranch Water District v. Orange County Water District*.
12. Receive the Quarterly Training Report for October 1, 2018 to December 31, 2018.

President Dewane asked for comments from the public. There were no comments.

MOTION

Motion by Vice President DePasquale, second by Director Atkinson, to approve Items 1 – 12 of the Consent Calendar. Motion passed 5-0.

PRESENTATION AND DISCUSSION ITEMS:

ITEM 15 – ORANGE COUNTY WATER DISTRICT BRIEFING:

President Dewane introduced OCWD General Manager Michael Marcus. Mr. Marcus acknowledged OCWD Director Kelly Rowe and then proceeded with a presentation that highlighted the following:

- Groundwater Basin Conditions
- Rainfall – Prado Dam Operations
- Ground Water Replenishment System (GWRS) Final Expansion
- Ocean Desalination Update
- FY2019-2020 Budget

Mr. Marcus responded to questions from the Board and they thanked him for the presentation.

RECESS

President Dewane declared a recess at 6:40 p.m.

The Board meeting reconvened at 6:52 p.m.

ACTION ITEMS:

13. ASSOCIATION OF CALIFORNIA WATER AGENCIES JOINT POWERS INSURANCE AUTHORITY EXECUTIVE COMMITTEE ELECTION:

MOTION

Motion by Director Atkinson, second by Director Fisler, to adopt Resolution No. 1519 Nominating Fred R. Bockmiller, P. E. to the Executive Committee of the Association of California Water Agencies Joint Powers Insurance Authority. Motion passed 5-0, by the following roll call vote:

AYES: DIRECTORS Atkinson, Bockmiller, Fisler, DePasquale, Dewane

NOES: DIRECTORS None

ABSENT: DIRECTORS None

ABSTAIN: DIRECTORS None

14. PUBLIC HEARING – ORDINANCE NO. 29 – DIRECTORS COMPENSATION AND EXPENSE REIMBURSEMENT:

President Dewane announced the Public Hearing was now opened for the purpose of receiving comments regarding a proposed change in Directors' Compensation.

District Secretary Garcia reported that public notices were posted on January 31, 2019 at Mesa Water District's office kiosk and website, at Costa Mesa City Hall, and at the Adams Street Post Office in Costa Mesa. Additionally, legal advertisements were published in the Daily Pilot on January 31 and February 7, 2019.

President Dewane opened the floor to the Board of Directors. Comments were offered.

President Dewane opened the floor for public comments.

Ms. Garcia reported that the District had not received any written or verbal comments regarding proposed Ordinance No. 29.

There were no comments from the public.

President Dewane declared the public comments segment closed.

President Dewane opened the floor for discussion by the Board.

Discussion ensued amongst the Board.

Attorney Hoskinson responded to questions from the Board.

President Dewane declared the Public Hearing was closed.

MOTION

Motion by Director Fisler, second by Vice President DePasquale, to adopt Ordinance No. 29 – Directors Compensation and Expense Reimbursement Superseding Ordinance No. 28 setting the rate in Section 1 to \$291 and adopting all proposed changes. Motion passed 4-1-0, by the following roll call vote:

AYES: DIRECTORS Bockmiller, Fisler, DePasquale, Dewane
NOES: DIRECTORS Atkinson
ABSENT: DIRECTORS None
ABSTAIN: DIRECTORS None

PRESENTATION AND DISCUSSION ITEMS:

15. ORANGE COUNTY WATER DISTRICT BRIEFING:

Item taken earlier in the agenda.

16. RULES AND REGULATIONS FOR WATER SERVICE:

GM Shoenberger provided an overview of the topic.

Discussion ensued amongst the Board.

No action was taken on this item.

REPORTS:

17. REPORT OF THE GENERAL MANAGER:

- January Key Indicators Report
- Other (no enclosure)

18. DIRECTORS' REPORTS AND COMMENTS:

INFORMATION ITEMS:

19. DIRECTORS' REPORTS (AB 1234) PER CA GOVERNMENT CODE SECTION 53232.3 (D)

20. OTHER (NO ENCLOSURE)

CLOSED SESSION:

President Dewane announced the Board was going into Closed Session at 7:47 p.m.

21. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE 54957.6
District Negotiator: General Manager
Employee Organization: District Employee

The Board returned to Open Session at 8:13 p.m.

District Secretary Garcia reported that the Board conducted one Closed Session with the General Manager, District Secretary, and Human Resources Manager pursuant to Government Code Section 54957.6. The Board received information and there was no further announcement.

President Dewane adjourned the meeting at 8:15 p.m. to an adjourned Regular Board Meeting scheduled for Thursday, March 7, 2019 at 9:00 a.m.

Approved:

Shawn Dewane, President

Denise Garcia, District Secretary

Sharon D. Brimer, Recording Secretary



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**MINUTES OF THE BOARD OF DIRECTORS
MESA WATER DISTRICT
Tuesday, February 19, 2019
1965 Placentia Avenue, Costa Mesa, CA 92627
3:30 p.m. Special Board Meeting**

ENGINEERING AND OPERATIONS COMMITTEE MEETING

CALL TO ORDER

The meeting of the Board of Directors was called to order on February 19, 2019 at 3:34 p.m. by Chairman Bockmiller at the District Office Boardroom, located at 1965 Placentia Avenue, Costa Mesa, California.

PLEDGE OF ALLEGIANCE

Vice President DePasquale led the Pledge of Allegiance.

Directors Present

Marice H. DePasquale, Vice President
Jim Atkinson, Director
Fred R. Bockmiller, P.E., Chair
James R. Fisler, Director

Directors Absent

Shawn Dewane, President

Staff Present

Paul E. Shoenberger, P.E., General Manager
Phil Lauri, P.E., Assistant General Manager
Wendy Duncan, Records Management Specialist/
Acting District Secretary
Tracy Manning, Water Operations Manager
Karyn Igar, Senior Civil Engineer

Others Present

None

PUBLIC COMMENTS

There was no public present.

CONSENT CALENDAR ITEMS:

Vice President DePasquale pulled Item 1 for discussion. There were no objections.

1. Developer Project Status Report
2. Mesa Water and Other Agency Projects Status Report
3. Water Quality Call Report
4. Committee Policy & Resolution Review
5. Water Operations Status Report

MOTION

Motion by Director Atkinson, second by Vice President DePasquale, to approve Items 2 - 5 of the Consent Calendar. Motion passed 4-0-1, with President Dewane absent.

Staff responded to questions from the Board regarding the Developer Project Status Report.

MOTION

Motion by Director Bockmiller, second by Vice President DePasquale, to approve Item 1 of the Consent Calendar. Motion passed 4-0-1, with President Dewane absent.

ACTION ITEMS:

None.

PRESENTATION AND DISCUSSION ITEMS:

None.

REPORTS:

6. Report of the General Manager
7. Directors' Reports and Comments

INFORMATION ITEMS:

8. Chandler & Croddy Wells and Pipeline Project

The Board meeting was adjourned at 4:12 p.m.

Approved:

Shawn Dewane, President

Denise Garcia, District Secretary



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**MINUTES OF THE BOARD OF DIRECTORS
MESA WATER DISTRICT
Thursday, February 21, 2019
1965 Placentia Avenue, Costa Mesa, CA 92627
3:30 p.m. Special Board Meeting**

FINANCE COMMITTEE MEETING

CALL TO ORDER

The meeting of the Board of Directors was called to order on February 21, 2019 at 3:30 p.m. by Chairman Fisler at the District Office Boardroom, located at 1965 Placentia Avenue, Costa Mesa, California.

PLEDGE OF ALLEGIANCE

President Dewane led the Pledge of Allegiance.

Directors Present

Shawn Dewane, President
Marice H. DePasquale, Vice President
Fred R. Bockmiller, P.E., Director, Chair
James R. Fisler, Director

Directors Absent

Jim Atkinson, Director

Staff Present

Paul E. Shoenberger, P.E., General Manager
Phil Lauri, P.E., Assistant General Manager
Denise Garcia, Administrative Services Manager/
District Secretary
Marwan Khalifa, CPA, MBA, Chief Financial Officer

Others Present

Mitch Barker, Executive Vice President, Public Agency Retirement Services
Keith Stribling, CFA, Vice President and Senior Portfolio Manager, Highmark Capital Management, Inc.

PUBLIC COMMENTS

There were no comments on non-agendized topics.

Director Fisler reordered the agenda to take Item 7 after the Consent Calendar. There were no objections.

CONSENT CALENDAR ITEMS:

1. Accounts Paid Listing
2. Monthly Financial Reports
3. Major Staff Projects
4. Committee Policy & Resolution Review
5. Fiscal Year 2019 Second Quarter Financial Update

Director Bockmiller pulled Item 2 for discussion. There were no objections.

MOTION

Motion by President Dewane, second by Vice Director DePasquale, to approve Items 1, 3, 4 and 5 of the Consent Calendar. Motion passed 4-0-1, with Director Atkinson absent.

Staff responded to questions from the Board regarding the Monthly Financial Reports.

MOTION

Motion by Director Bockmiller, second by President Dewane, to approve Item 2 of the Consent Calendar. Motion passed 4-0-1, with Director Atkinson absent.

ACTION ITEMS:

None.

PRESENTATION AND DISCUSSION ITEMS:

Item 7 – Pension & Other Post-Employment Benefits Trust Annual Update

Chief Financial Officer Khalifa introduced Public Agency Retirement Services Executive President Mitch Barker and Highmark Capital Management, Inc.'s Vice President Keith Stribling.

Mr. Barker proceeded with a presentation, entitled "OPEB Pre-Funding Trust Program & Pension Rate Stabilization Program (PRSP) Client Review," that highlighted the following:

- The PARS IRS-Approved Combination 115 Trust
- Summary of Agency's OPEB Plan
- OPEB Actuarial Results
- Summary of Agency's Pension Plan
- Estimated Pension Funding Status

Mr. Barker responded to questions from the Board and they thanked him for the presentation.

Mr. Stribling provided a presentation, entitled "PARS: Mesa Water District," that highlighted the following:

- Discussion Highlights: Mesa Water District
- Asset Allocation: Mesa Water District
- Performance Report – PARS/CalPERS/S&P 500/LAIF

Mr. Stribling responded to questions from the Board and they thanked him for the presentation.

6. Administration Building Improvements & HVAC Replacement Project

Assistant General Manager Lauri provided an update on the Administration Building Improvements & HVAC Replacement Project.

MOTION

Motion by Director Bockmiller, second by President Dewane, to approve the Boardroom Improvement's conceptual rendering, finishes and color palette, including suggested modifications provided by the Board.

7. Pension & Other Post-Employment Benefits Trust Annual Update

This item was taken earlier in the agenda.

REPORTS:

8. Report of the General Manager

9. Directors' Reports and Comments

INFORMATION ITEMS:

10. Claim of David Tiziani

The Board meeting was adjourned at 4:40 p.m.

Approved:

Shawn Dewane, President

Denise Garcia, District Secretary



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**MINUTES OF THE BOARD OF DIRECTORS
MESA WATER DISTRICT
Monday, February 25, 2019
1965 Placentia Avenue, Costa Mesa, CA 92627
3:30 p.m. Special Board Meeting**

LEGISLATIVE & PUBLIC AFFAIRS COMMITTEE MEETING

CALL TO ORDER

The meeting of the Board of Directors was called to order on February 25, 2019 at 3:30 p.m. by Vice President DePasquale at the District Office Boardroom, located at 1965 Placentia Avenue, Costa Mesa, California.

PLEDGE OF ALLEGIANCE

Director Fisler led the Pledge of Allegiance.

Directors Present

Marice H. DePasquale, Vice President
Jim Atkinson, Director
Fred R. Bockmiller, P.E., Director
James R. Fisler, Director, Chair

Directors Absent

Shawn Dewane, Director

Staff Present

Paul E. Shoenberger, General Manager
Wendy Duncan, Records Management Specialist/
Acting District Secretary
Stacy Taylor, External Affairs Manager
Sara J. Fahy, Public Affairs Manager
Celeste Carrillo, Public Affairs Coordinator
Brittany Erdman, Department Assistant

Others Present

John Lewis, President, Lewis Consulting Group

PUBLIC COMMENTS

There were no comments on non-agendized topics.

CONSENT CALENDAR ITEMS:

Director Fisler pulled Item 1 for discussion. There were no objections.

1. State Advocacy Update

General Manager Shoenberger introduced External Affairs Manager Taylor who provided the State Advocacy update.

Ms. Taylor responded to questions from the Board and they thanked her for the update.

MOTION

Motion by Director Bockmiller, second by Director Atkinson, to adopt Resolution No. 1520 Supporting SB 669 (Caballero) The Safe Drinking Water Trust. Motion passed 4-0-1, by the following roll call vote:

AYES: DIRECTORS Atkinson, Bockmiller, Fisler, DePasquale
NOES: DIRECTORS None
ABSENT: DIRECTORS Dewane
ABSTAIN: DIRECTORS None

MOTION

Motion by Director Bockmiller, second by Director Atkinson, to approve Item 1 of the Consent Calendar and to approve a letter of support along with other staff actions to communicate Mesa Water District's position regarding The Safe Drinking Water Trust. Motion passed 4-0-1, with President Dewane absent.

Vice President DePasquale reordered the agenda to take Item 3 before Item 2. There were no objections.

Item 3 – Orange County Update

External Affairs Manager Taylor introduced Lewis Consulting Group President John Lewis who proceeded with the Orange County Update.

Mr. Lewis responded to questions from the Board and they thanked him for the update.

ACTION ITEMS:

2. Committee Meeting Dates and Chair Appointment

MOTION

Motion by Director Bockmiller, second by Director Atkinson, to confirm the fourth Monday, every other month, beginning in February, starting at 3:30 p.m., as the day and time of the 2019 Legislative & Public Affairs Committee meetings and to appoint Vice President DePasquale as the Legislative & Public Affairs Committee Chair. Motion passed 4-0-1, with President Dewane absent.

PRESENTATION AND DISCUSSION ITEMS:

3. Orange County Update

This item was taken earlier in the agenda.

4. Outreach Update

GM Shoenberger introduced Public Affairs Manager Fahy who provided the Outreach Update.

Discussion ensued amongst the Board.

Ms. Fahy responded to questions from the Board and the Board thanked her for the update.

REPORTS:

5. Report of the General Manager
6. Directors' Reports and Comments

INFORMATION ITEMS:

None.

The Board meeting was adjourned at 4:40 p.m.

Approved:

Shawn Dewane, President

Denise Garcia, District Secretary



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MEMORANDUM

TO: Board of Directors
FROM: Paul E. Shoenberger, P.E., General Manager
DATE: March 14, 2019
SUBJECT: Attendance at Conferences, Seminars, Meetings, and Events

RECOMMENDATION

In accordance with Ordinance No. 29, adopted February 14, 2019, authorize attendance at conferences, seminars, meetings, and events.

STRATEGIC PLAN

- Goal #1: Provide a safe, abundant, and reliable water supply.
- Goal #2: Practice perpetual infrastructure renewal and improvement.
- Goal #3: Be financially responsible and transparent.
- Goal #4: Increase public awareness about Mesa Water® and about water.
- Goal #5: Attract and retain skilled employees.
- Goal #6: Provide outstanding customer service.
- Goal #7: Actively participate in regional water issues.

PRIOR BOARD ACTION

At its June 14, 2018 meeting, the Board of Directors (Board) approved Fiscal Year 2019 attendance at Conferences, Seminars, Meetings, and Events.

DISCUSSION

During the discussion of this item, if any, the Board may choose to delete any item from the list and/or may choose to add additional conferences, seminars, meetings, or events for approval, subject to available budget or additional appropriation.

FINANCIAL IMPACT

None.

ATTACHMENTS

None.

2019 CONFERENCES, SEMINARS, AND MEETINGS:

March 17 - 19, 2019	
WaterReuse California Conference	
Garden Grove, CA	
March 27 - 28, 2019	
WaterNow Alliance 4th Annual Summit	<i>Atkinson</i>
Austin, TX	
April 4, 2019	
MWDOC Elected Officials Forum	
Fountain Valley, CA	
May 6 - 10, 2019	
ACWA/JPIA Spring Conference	<i>Atkinson, Bockmiller, DePasquale</i>
Monterey, CA	
May 21 - 22, 2019	
CSDA Legislative Days	
Sacramento, CA	
May 31, 2019	
OC Water Summit	
Anaheim, CA	
June 9 - 12, 2019	
AWWA ACE19 Conference	<i>Atkinson</i>
Denver, CO	
September 25 - 28, 2019	
CSDA Annual Conference	
Anaheim, CA	
December 2 - 6, 2019	
ACWA/JPIA Fall Conference	<i>Bockmiller</i>
San Diego, CA	
December 11 - 13, 2019	
Colorado River Water Users Association Conference	
TBD	

March 2019

March 2019							April 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2							6
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 24	25	26	27	28	Mar 1	2
					Pay Period Ends 7:30am WACO Meeting - JA, JF (MWDOC/OCWD Boardroom)	
3	4	5	6	7	8	9
	8:30am MWDOC Planning & Operations Committee (Conference Room.101) 10:00am I HEART Radio Podcast	7:30am ISDOC Executive Committee Meeting (Conference Room.101) 12:00pm Executive Committee Meeting (Panian Conference Room) 5:45pm Costa Mesa City Council Meeting (Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa)	Payday 8:30am Jt. MWDOC/MWD Workshop (MWDOC/OCWD Boardroom) 9:00am 2019 ACWA Legislative Symposium - MD (Sacramento) 5:30pm OCWD Board Meeting (OCWD Boardroom)	8:00am Board Workshop (Boardroom)		
10	11	12	13	14	15	16
		7:30am OCBC Infrastructure Committee Meeting (OCBC Conference Room 2 Park Plaza, Suite.125 Irvine, 92614)	8:00am OCWD Water Issues Committee (OCWD Boardroom) 8:15am LAFCO Meeting (OCTA 550 South Main Street Orange, CA) 8:30am MWDOC Admin & Finance Committee (Conference Room.101) 11:30am CM Chamber Event (1555	4:00pm CM Chamber Board Meeting (TBD) 6:00pm Mesa Water Board Meeting (Boardroom)	Pay Period Ends	
17	18	19	20	21	22	23
WaterReuse California Conference (Garden Grove, CA)	8:30am MWDOC Public Affairs & Legislation Committee (Conference Room.101)	7:30am WACO Planning Committee (MWDOC Conference Room.101) 3:30pm Engineering and Operations Committee Meeting (Boardroom) 5:45pm Costa Mesa City Council Meeting (Costa Mesa Senior Center)	Payday 8:30am MWDOC Board Meeting (MWDOC Boardroom) 10:00am ACWA/JPIA Risk Management Committee - FB (Roseville, CA) 5:30pm OCWD Board Meeting (OCWD Boardroom)	8:30am MWDOC Executive Committee Meeting (Conference Room.102) 3:30pm Finance Committee Meeting (Boardroom)		
24	25	26	27	28	29	30
	1:45pm 5th Grade Assembly (Pomona Elementary School, 2051 Pomona Avenue, Costa Mesa)		23rd Annual Children's Water Education Festival (UCI) WaterNow Alliance 4th Annual Summit (Austin, Texas)	11:30am ISDOC Quarterly Meeting (MWDOC Boardroom)	Pay Period Ends 8:30am Santa Ana River Watershed Conference (Cal.State Fullerton)	
31	Apr 1	2	3	4	5	6

April 2019

April 2019							May 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 31	Apr 1 8:30am MWDOC Planning & Operations Committee (Conference Room 101)	2 7:30am ISDOC Executive Committee Meeting (Conference Room 101) 12:00pm Executive Committee Meeting (Panian Conference Room) 5:30pm Costa Mesa City Council Meeting (Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, 92626)	3 Payday 8:30am Jt. MWDOC/MWD Workshop (MWDOC/OCWD Boardroom) 5:30pm OCWD Board Meeting (OCWD Boardroom)	4 6:00pm MWDOC Elected Officials Forum (MWDOC/OCWD Boardroom)	5 7:30am WACO Meeting (MWDOC/OCWD Boardroom)	6
7	8	9 7:30am OCBC Infrastructure Committee Meeting (OCBC Conference Room 2 Park Plaza, Suite 125 Irvine, 92614)	10 8:00am OCWD Water Issues Committee (OCWD Boardroom) 8:15am LAFCO Meeting (Hall of Administration 10 Civic Center Plaza Santa Ana, CA 92701) 8:30am MWDOC Admin & Finance Committee (Conference Room 101) 11:30am CM Chamber Event	11 4:00pm CM Chamber Board Meeting (TBD) 6:00pm Mesa Water Board Meeting (Boardroom)	12 Pay Period Ends	13
14	15 8:30am MWDOC Public Affairs & Legislation Committee (Conference Room 101)	16 7:30am WACO Planning Committee (MWDOC Conference Room 101) 3:30pm Engineering and Operations Committee Meeting (Boardroom) 5:45pm Costa Mesa City Council Meeting	17 Payday 8:30am MWDOC Board Meeting (MWDOC Boardroom) 5:30pm OCWD Board Meeting (OCWD Boardroom)	18 8:30am MWDOC Executive Committee Meeting (Conference Room 102) 3:30pm Finance Committee Meeting (Boardroom)	19 8:00am City Districts Liaison Committee Meeting (Newport Mesa Unified School District)	20
21	22 3:30pm LPAC Meeting (Boardroom)	23	24 8:30am MWDOC/OCWD Jt. Planning (MWDOC/OCWD Boardroom)	25	26 Pay Period Ends	27
28	29	30 12:00pm R/S from 5/7 Executive Committee Meeting (Panian Conference Room)	May 1	2	3	4

May 2019

May 2019							June 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Apr 28	29	30	May 1 Payday 8:30am Jt. MWDOC/MWD Workshop (MWDOC/OCWD Boardroom) 5:30pm OCWD Board Meeting (OCWD Boardroom)	2 6:00pm R/S from 5/9 Mesa Water Board Meeting (Boardroom)	3 7:30am WACO Meeting (MWDOC/OCWD Boardroom)	4
5	6 8:30am MWDOC Planning & Operations Committee (Conference Room 101) 1:30pm ACWA/JPIA Board of Directors Meeting (F8) (Monterey)	7 7:30am ISDOC Executive Committee Meeting (Conference Room 101) 10:00am ACWA Groundwater Committee (Monterey) 12:00pm R/S to 4/30 Executive Committee Meeting (Panian) 5:45pm Costa Mesa City Council Meeting	8 ACWA/JPIA Spring Conference (Monterey, CA) 8:00am OCWD Water Issues Committee (OCWD Boardroom) 8:15am LAFCO Meeting (Hall of Administration 10 Civic Center Plaza Santa Ana, CA 92701) 8:30am MWDOC Admin & Finance Committee (Conference Room 101) 11:30am CM Chamber Event	9 4:00pm CM Chamber Board Meeting (TBD) 6:00pm R/S to 5/2 Mesa Water Board Meeting (Boardroom)	10 Pay Period Ends	11
12	13	14 7:30am OCBC Infrastructure Committee Meeting (OCBC Conference Room 2 Park Plaza, Suite 125 Irvine, 92614)	15 Payday 8:30am MWDOC Board Meeting (MWDOC Boardroom) 5:30pm OCWD Board Meeting (OCWD Boardroom)	16 8:30am MWDOC Executive Committee Meeting (Conference Room 102) 3:30pm Finance Committee Meeting (Boardroom)	17 17th Annual Solar Cup (Lake Skinner in the Temecula Valley)	18
19 17th Annual Solar Cup (Lake Skinner in L	20 8:30am MWDOC Public Affairs & Legislation Committee (Conference Room 101)	21 CSDA Legislative Days 7:30am WACO Planning Committee (MWDOC Conference Room 101) 3:30pm Engineering and Operations Committee Meeting (Boardroom) 5:45pm Costa Mesa City Council Meeting	22 8:30am MWDOC/OCWD Jt. Planning (MWDOC/OCWD Boardroom)	23	24 Pay Period Ends	25
26	27 District Holiday	28	29 Payday	30	31 7:30am 12th Annual OC Water Summit, "WATER Under the Microscope" (Anaheim, CA)	Jun 1



MesaWater
DISTRICT®

UPCOMING COMMUNITY OUTREACH EVENTS

Event:	Date & Time:	Location:
<u>5th Grade Assembly</u>	Monday, March 25, 2019 1:45 p.m. to 2:45 p.m.	Pomona Elementary School 2051 Pomona Avenue Costa Mesa, CA 92627
<u>Orange County Water District's Children's Water Education Festival</u>	Wednesday March 27, 2019 Thursday, March 28, 2019 9:30 a.m. to 3:30 p.m.	University of California, Irvine Irvine, CA 92697



*Dedicated to
Satisfying our Community's
Water Needs*

MEMORANDUM

TO: Executive Committee
FROM: Denise Garcia, Administrative Services Manager
DATE: March 14, 2019
SUBJECT: Policy for Public Records

RECOMMENDATION

Adopt Resolution No. 1521 Amending the Policy for Public Records Superseding Resolution No. 1421.

The Executive Committee reviewed this item at its March 5, 2019 meeting and recommends Board approval.

STRATEGIC PLAN

Goal #3: Be financially responsible and transparent.

Goal #6: Provide outstanding customer service.

PRIOR BOARD ACTION

At its December 13, 2018 meeting, the Board of Directors (Board) directed staff to agendize, "Policy for Public Records" with recommended modifications, at a future meeting.

At its August 28, 2012 meeting, the Board adopted Resolution No. 1421 Amending the Policy for Public Records Superseding Resolution No. 1305.

DISCUSSION

The California Constitution, by and through the California Public Records Act (Act) enacted by the Legislature, provides that access to information concerning the conduct of the People's business is a fundamental and necessary right of every person in this State. The Act generally requires public records to be available to the public upon request. Mesa Water District's (Mesa Water®) Board has previously adopted a policy for Public Records (Policy) to ensure that members of the public fully understand and are afforded an opportunity to use their right to inspect and obtain copies of Public Records.

This Policy is periodically reviewed, and if needed, revised and amended to incorporate changes to the Act, and other applicable statutes and case law. Several changes have been made to the Policy since the last amendment, the most significant being the following:

- New definitions, terms and meanings were added to this Policy for clarification.
- Additional wording was added to Section 3.2.6 - *Mesa Water's Response to Requests*, directing requestors to Public Records posted on the District's website.
- Exemptions (i) records related to the activities governed by the Meyers-Milias-Brown Act and (p) Customer records were added to Section 4.0 - *Records Not Open to Public Inspection*.
- Section 7.0 – *Requests for the Release of Customer Records* was added. This section outlines a policy for requests for specified Customer Records submitted to Mesa Water pursuant to the provisions of California Government Code Section 6254.16(a). This



section was added for the purposes of protecting our Customer's privacy and protected Customer Records, protecting Customers and the District against potential fraud or identity theft efforts, and to provide for internal administration.

LEGAL REVIEW

Mesa Water's General Legal Counsel has reviewed this resolution and approved the amendments to Mesa Water's Policy for Public Records.

FINANCIAL IMPACT

None.

ATTACHMENTS

- Attachment A: Draft Resolution No. 1521
- Attachment B: Resolution No. 1421, Redline
- Attachment C: Draft Release of Customer Records Form
- Attachment D: Draft Letter of Authorization, Example

RESOLUTION NO. 1521

RESOLUTION OF THE MESA WATER DISTRICT BOARD OF DIRECTORS AMENDING THE POLICY FOR PUBLIC RECORDS PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT SUPERSEDING RESOLUTION NO. 1421

WHEREAS, Mesa Water District (Mesa Water®) is a county water district organized and operating pursuant to the provisions of the laws of the State of California (State or California); and

WHEREAS, Mesa Water has the authority to adopt, pursuant to Government Code Section 6253.4, various regulations stating the procedures to be followed when making its records available in accordance with the California Public Records Act, commencing with Government Code Section 6250, *et. seq.*; and

WHEREAS, the Legislature has enacted substantial changes to the California Public Records Act since Mesa Water's adoption of its previous guidelines; and

WHEREAS, Mesa Water's Board of Directors considers it appropriate to adopt an updated, comprehensive policy regarding access to Mesa Water's public records and to specify procedures for obtaining access to Mesa Water's public records.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MESA WATER DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Pursuant to Government Code Section 6250, *et. seq.*, Mesa Water's Public Records Policy is amended to read as shown in Appendix A, attached hereto and made a part hereof by this reference.

Section 2. The amendment to Mesa Water's Public Records Policy shall become effective July 1, 2019.

Section 3. The Board hereby supersedes Resolution No. 1421 regarding access to public records adopted thereby effective upon the adoption of this Resolution and the revised Public Records Policy.

ADOPTED, SIGNED, and APPROVED this 14th day of March 2019 by a roll call vote.

AYES: DIRECTORS:
NOES: DIRECTORS:
ABSENT: DIRECTORS:
ABSTAIN: DIRECTORS:

Shawn Dewane
President, Board of Directors

Denise Garcia
District Secretary

RESOLUTION NO. 1521

APPENDIX A

RESOLUTION OF THE MESA WATER DISTRICT BOARD OF DIRECTORS AMENDING THE POLICY FOR PUBLIC RECORDS PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT SUPERSEDING RESOLUTION NO. 1421

1.0 PUBLIC RECORDS ACCESS POLICY

1.1 Intention

The California Constitution, by and through the California Public Records Act (hereinafter, Act or Public Records Act) enacted by the Legislature and set forth in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, provides that access to information concerning the conduct of the People's business is a fundamental and necessary right of every Person in this State. The Act generally requires public records to be available to the public upon request. Mesa Water District (Mesa Water) has established the following policy and guidelines to ensure that members of the public fully understand and are afforded an opportunity to use their right to inspect and obtain copies of Public Records.

1.2 Provision of Policy

A copy of this Policy will be provided free of charge upon request. This Policy will also be posted on Mesa Water's website.

1.3 Authority

This Policy has been adopted by the Board pursuant to the provisions of California Government Code Section 6253.4(a). This Policy is subject to future amendment and interpretation as set out in Section 5.0.

2.0 DEFINITIONS

Unless the context clearly otherwise requires, the terms defined in this Section shall, for all purposes of this Policy, have the meanings herein specified.

- a. Act or Public Records Act – means the California Public Records Act, set forth in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, as currently in effect and as such may be amended from time to time.

- b. Agent – means the agent of a Mesa Water Customer as specified in a Request.
- c. Board – means the Board of Directors of the Mesa Water District.
- d. Business Day – means a day which is not a Saturday or Sunday or a day on which Mesa Water is not open to conduct business, such as State and federal holidays.
- e. Customer – means a Mesa Water customer of record, as shown in Mesa Water's records.
- f. Customer Records or Records – for purposes of this Policy shall mean records described within California Government Code Section 6254.16, including the name, credit history, utility usage data, home address, and telephone number of Customers.
- g. District Secretary – means Mesa Water's duly appointed and acting District Secretary of Mesa Water District Board of Directors.
- h. Electronic Records – means a record, document or writing contained, transcribed or held in electronic format, such as computer records, listings, electronic mail (e-mail) and similar.
- i. General Manager – shall mean the duly appointed and acting General Manager, Interim General Manager or equivalent officer appointed by the Board of Directors of Mesa Water District.
- j. Member of the public – means any Person, except a member, agent, officer, or employee of a Federal, State, or local agency acting within the scope of his or her membership, agency, office, or employment. Notwithstanding this definition, nothing in this Policy shall be construed to limit the ability of Mesa Water's elected or appointed members or officers from accessing the Public Records of Mesa Water on the same basis as any other Person, nor shall this definition limit the ability of elected or appointed members or officers to access Public Records permitted by law in the administration of their duties.
- k. Mesa Water – means the Mesa Water District or any employee authorized to act on its behalf.
- l. Person – includes any natural Person, corporation, partnership, limited liability company, firm, or association.
- m. Policy – means this Public Records Policy as adopted and amended or interpreted from time to time.
- n. Public Records – includes any Writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by Mesa

Water regardless of physical form or characteristics. For purposes of this Policy, Public Records do not include those Writings or documents that are exempt from disclosure, as described in Section 4.0 or otherwise exempt from disclosure, or which are not considered to be Public Records pursuant to the provisions of State law.

- o. Request – means a request, submitted in writing, to Mesa Water, as set out in this Policy, to request inspection or copying of one or more Public Records held by Mesa Water.
- p. State – means the State of California.
- q. Writing – means any handwriting, typewriting, printing, photo stating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Unless the context otherwise indicates, words expressed in the singular shall include the plural and vice versa and the use of the neuter, masculine or feminine genera is for convenience only and shall be deemed to include the neuter, masculine or feminine gender, as appropriate. Headings of sections herein are solely for convenience of reference, do not constitute a part hereof and shall not affect the meaning, construction or effect hereof.

All references herein to Sections and other subdivisions are to the corresponding Sections or subdivisions of this Policy; the words herein, hereof, hereby, hereunder and other words of similar import refer to this Policy as a whole and not to any particular Section or subdivision hereof.

3.0 PROCEDURES FOR ACCESSING PUBLIC RECORDS

3.1 When Public Records May Be Inspected

The Public Records of Mesa Water shall be open to inspection, except as otherwise provided by this Policy and the Public Records Act, during Mesa Water's regular business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding Holidays), and every Person has the right to inspect such Public Records. Any reasonably segregable portion of a Public Record will be made available for inspection by any Person requesting the Public Record after the deletion or redaction of the portions thereof that are otherwise exempted from disclosure.

The inspection of Public Records is subject to a rule of reason as to time and duration and must be consistent with the efficient functioning of Mesa Water's offices. Mesa Water requests that any Person who wishes to inspect Public Records, telephone Mesa Water's business office and schedule an

appointment with the District Secretary to inspect the Public Records. It is Mesa Water's policy that Public Records not exempt from disclosure by State law will be open for public inspection with the least possible delay and expense to the requesting Person.

The inspection of such Public Records shall take place at Mesa Water's business office or at such location designated by Mesa Water, and Public Records so produced shall not be removed from Mesa Water's business office premises without the express prior written approval of the District Secretary.

3.2 Procedures for Obtaining Copies of Public Records

3.2.1 Submission of Requests

Requests for copies of Public Records shall be submitted orally or in writing to the District Secretary, which may include submission by electronic means. Oral requests, if made, may be reduced to writing by Mesa Water staff to verify that it is responding to the appropriate request and providing documents actually requested. Written requests shall, unless waived by the District Secretary, at the District Secretary's discretion, include all of the following information:

- a. A statement that the Person is requesting information under the Public Records Act;
- b. A clear and specific description of the Public Record(s) being requested. If possible, the requestor should identify date(s), subject(s), title(s), or author(s) of the Public Record(s) requested; and
- c. The requestor's contact information, including name, address, telephone number, and, if available, a fax number or e-mail address. To the extent such information is not provided, the request should include an alternative means by which the requestor may be contacted when the documents are available for inspection or copying. Such information may nevertheless be required, along with proper identification, if the requestor is paying by either credit card or check.

Such Requests must be submitted in Person, by United States (U.S.) Mail, by facsimile transmission or by electronic means to Mesa Water's business offices, to the attention of the District Secretary. Requests submitted by facsimile should be confirmed as to receipt by the requesting Person. It is the responsibility of the requesting Person to confirm Mesa Water's receipt of such a facsimile transmission request.

Requests received after normal business hours by facsimile or electronic transmission shall be treated as being received by Mesa

Water on the following business day. Mesa Water assumes no liability for facsimile or electronic transmissions which are not received or are not comprehensible.

Electronically submitted requests shall be directed to the District Secretary. The District Secretary may prescribe an electronic form for Requests for Public Records (electronic requests) and set forth such form on Mesa Water's website. Such forms may be used to screen spurious or automated e-mails which do not constitute legitimate Requests for Public Records.

The District Secretary shall have the authority to prescribe a standard form(s) for Public Records Requests and require the use thereof. The form(s) shall include a statement relating to Mesa Water's current copy costs. The requestor may be required to pay for copies of requested Public Records in advance.

The principal officer designated to receive Requests for Public Records and to reply and respond to such Requests is the District Secretary.

3.2.2 Assistance Identifying Public Records Sought

Whenever a Person is unable to make a clear and specific Request for one or more desired Public Record(s) as required by Section 3.2.1, Mesa Water shall, to the extent reasonable under the circumstances:

- a. Assist the Person to identify those Public Records that are responsive to the Request or to the purpose of the Request, if provided;
- b. Describe the information technology and physical location in which the Public Record exists; and
- c. Provide suggestions for overcoming any practical basis for denying access to the Public Record(s) sought.

Mesa Water's responsibilities under this Section will be deemed satisfied if Mesa Water is unable to identify the Public Record(s) sought after making a reasonable effort to elicit additional clarifying information from the Person making the Request.

The District Secretary or an Agent acting for the District Secretary (which may include another Mesa Water employee so authorized by the District Secretary, or Mesa Water legal counsel) may contact a Person who has presented a Request in order to clarify the nature of the Request or the Public Records being requested. In the event that a Request is modified by the Person making the Request as result of such contact(s) as set out in this Section 3.2.2, the nature of such modification(s) or refined Request shall be documented by the District

Secretary, such documentation will typically be in the form of a letter or e-mail to the Person making such Request.

3.2.3 Time for Mesa Water's Initial Response

Upon receipt of a properly completed and submitted Request for copies of Public Records, the District Secretary shall within 10 days determine whether the Request, in whole or in part, seeks copies of Public Records in Mesa Water's possession that are disclosable under the Public Records Act, and shall promptly notify the Person making the Request of Mesa Water's determination, reasons for such a determination, and an approximate date and time when such requested Public Records will be made available by Mesa Water. Responses to Requests shall be in writing. Such responses may be made/furnished by U.S. Mail, facsimile, e-mail or other means as the District Secretary shall determine.

In unusual circumstances, the 10-day time limit may be extended up to an additional 14 days by written notice by Mesa Water to the requestor, setting forth the reason for the time extension. Unusual circumstances include:

- a. The need to search for and collect the requested records from offsite facilities or other establishments that are separate from the Mesa Water business office;
- b. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single Request;
- c. The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the Request or among two or more components of the agency having substantial subject matter interest therein;
- d. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

3.2.4 Records in Electronic Format

Unless otherwise prohibited by law, Mesa Water shall, upon request, make available any Public Record in electronic format, the disclosure of which is not exempt under the Public Records Act, in any electronic format in which Mesa Water holds the information or in the format requested if the requested format is one that has been used by Mesa Water to create copies for its own use or for provision to other public agencies.

Mesa Water is not required to reconstruct a record in electronic format if it no longer has the record available in electronic format. Mesa Water is also not required to create or generate a document or Writing that does not exist at the time a Request is made (for example, a listing, schedule or compilation that Mesa Water does not have, possess or use in its activities or business). If an electronic record is not requested, but the record is available electronically, Mesa Water may inform the requestor that the record is available in that format. Mesa Water shall not be required to release an electronic record in the electronic form in which it is held by Mesa Water if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

3.2.5 Fees for Copies of Records

A Request for a copy of an identifiable Public Record or information produced will cover the direct costs of duplication, which will be based upon the current cost per standard reproduced page. Mesa Water may, from time to time, prescribe and update its standard costs imposed for copying or electronic generation of requested Public Records. Such costs shall be made available to members of the public and may be posted on Mesa Water's website.

Mesa Water may commence work on any document copying or reproduction of any requested Public Record prior to the costs or cost estimate being deposited with, and received by, Mesa Water. Upon completion of the copying process, the Person making the Request shall be notified that the copies are available for delivery. Unless otherwise agreed to by Mesa Water, delivery shall be made at Mesa Water's business office. Upon delivery of the requested Public Records, the Person making the request shall pay the amount shown for all copies.

In some cases, Mesa Water may estimate the copy costs for requested Public Records. The District Secretary may elect to waive such costs in certain cases, at the sole discretion of the District Secretary.

3.2.5.1 Fees for Records in Electronic Format

The requestor will be responsible for the direct cost of producing a copy of a Public Record in electronic format, and will also bear the costs to construct a Public Record and the programming and computer services necessary if Mesa Water is required either to:

- a. Produce a copy of an electronic record and the Public Record is one that is produced only at otherwise regularly scheduled intervals, or

- b. Perform data compilation, extraction, or programming to produce the Public Record.

3.2.6 Mesa Water's Response to Requests

In responding to Public Record Requests, Mesa Water will generally advise the Person submitting the Request, by telephone, U.S. Mail or e-mail, as appropriate, of:

- a. The location, date, and time at which the requested Public Records may be inspected;
- b. The cost of providing copies, if copies of Public Records are requested;
- c. Which of the records requested are not subject to disclosure as Public Records pursuant to the applicable provisions of the Public Records Act.

Mesa Water may, in its sole discretion, post any Public Record on its website, and in response to a Request seeking a document posted on its website, directing the requestor to the location on the website where the Public Record is posted. However, if after Mesa Water directs a requestor, the requestor of the Public Record requests a copy of the Public Record due to an inability to access or reproduce the Public Record from the website, Mesa Water shall promptly provide a copy of the Public Record as otherwise required by the Act.

3.2.7 Assistance in Responding to Requests

Mesa Water's officers and employees are authorized to assist the District Secretary in compliance with the provisions of the Act and the provisions of this Policy.

4.0 RECORDS NOT OPEN TO PUBLIC INSPECTION

In balancing the public's right to access Public Records with the recognized individual right of privacy, statutory limitations and requirements, and the need for Mesa Water to be able to competently perform its duties, the Legislature has established certain categories of records, which may be exempt from public disclosure or inspection.

A complete list of statutory exemptions can be found in the Act. Documents, information, Writings or records not subject to disclosure are not Public Records within the meaning of this Policy. Public Records exempt from disclosure that pertain to Mesa Water include, but are not limited to, the following:

- a. Preliminary drafts, notes, or inter-agency or intra-agency memoranda which are not retained by Mesa Water in the ordinary course of business, provided

that the public interest in withholding such records clearly outweighs the public interest in disclosure;

- b. Records pertaining to pending litigation to which Mesa Water is a party, or to claims made to Mesa Water pursuant to Government Code Section 810, *et seq.*, until such litigation or claim has been finally adjudicated or otherwise settled;
- c. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- d. Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any Person;
- e. Contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by Mesa Water relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. The laws concerning the requirements for exercise of the power of eminent domain, however, shall not be affected by this subsection;
- f. Documents prepared by or for Mesa Water that assess its vulnerability to terrorist attack or other criminal acts intended to disrupt Mesa Water's operations and that is for distribution or consideration in a closed session;
- g. Records of which the disclosure is exempt or prohibited pursuant to provisions of federal or State law, including, but not limited to, provisions of the Evidence Code relating to privilege;
- h. Writings covered by the attorney-client privilege pursuant to Government Code Sections 6253(k) and/or 6254.25 or otherwise under State or federal laws concerning attorney-client privilege;
- i. Records of Mesa Water related to activities governed by the Meyers-Milias-Brown Act, as set forth in Chapter 10 (commencing with Section 3500) of Division 4 of the Government Code, that reveal Mesa Water's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under the Meyers-Milias-Brown Act. This paragraph shall not be construed to limit the disclosure duties of Mesa Water with respect to any other records relating to the activities governed by the Meyers-Milias-Brown Act;
- j. Memoranda submitted to Mesa Water's Board of Directors by its legal counsel pursuant to Government Code Sections 11126(e) or 54956.9, until the pending litigation has been finally adjudicated or otherwise settled. The

memorandum shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled;

- k. Computer software, which includes computer mapping systems, computer programs, and computer graphic systems, developed by Mesa Water shall be subject to the provisions of Government Code Section 6254.9, or any successor section thereto, providing that such software is not a Public Record under the Public Records Act and that Mesa Water may sell, lease, or license the software for commercial or noncommercial use;
- l. As provided by Government Code Section 6254.16, Mesa Water is prohibited from disclosing the name, credit history, utility usage data, home address, or telephone number of any of Mesa Water's customers, except that such information shall be provided upon request: (1) to an agent or authorized family member of the Person to whom the information pertains; (2) to an officer or employee of another governmental agency when necessary for the performance of its official duties; (3) upon court order or the request of a law enforcement agency relative to an ongoing investigation; (4) upon determination by Mesa Water that the utility customer who is the subject of the Request has used utility services in a manner inconsistent with applicable local utility usage policies; (5) upon determination by Mesa Water that the utility customer who is the subject of the Request is an elected or appointed official with authority to determine Mesa Water's utility usage policies, provided that the home address of an appointed official shall not be disclosed without his or her consent; or (6) upon determination by Mesa Water that the public interest in disclosure of the information outweighs the public interest in nondisclosure;
- m. Documents which fall within the exemption of the deliberate process protection as set out in Times Mirror Co. v Superior Court (1991) 53 Cal.3d 1325, to the extent supported by current State law;
- n. Purely personal information contained in a correspondence, e-mail or in a Mesa Water computer which is unrelated to the conduct of Mesa Water's business (i.e., a shopping list received from home, phone message from an employee or director's spouse about picking up the children, or an e-mail from a friend which are totally void of reference to governmental activities);
- o. Additional information and documentation held by public agencies which are not Public Records or not subject to disclosure pursuant to the Act are also set forth in Government Code Section 6275;
- p. Customer Records, except as provided for in Government Code Section 6254.16 and more specifically set forth and described in Section 7.0 of this policy.

Mesa Water also possesses the discretion to claim an exemption from public disclosure records, which do not qualify for a specific exemption under the Act,

but for which Mesa Water may determine the public interest served by not making the record public clearly outweighs the public interest served by disclosure. Public Records subject to exemption may nevertheless be made available for inspection if waiving the exemption will serve the public interest, as determined by Mesa Water on a case-by-case basis. However, Mesa Water's determination to disclose a record, which may otherwise be exempt from disclosure, does not constitute a waiver with respect to any other records.

Notice – Under the provisions of the Act, Requests made or submitted to Mesa Water are generally themselves Public Records. Mesa Water may redact from such Request, which are themselves subject to a Request, information such as home addresses, e-mail addresses and phone numbers to the extent legally permissible, but Persons submitting Requests should be aware that such Requests generally fall within the definition of a Public Record (Government Code Section 6252(e)).

5.0 AMENDMENTS AND INTERPRETATIONS OF POLICY

5.1 Amendments and Interpretations by the Board

This Policy is subject to amendment from time to time by action of the Board. The Board also reserves the right to provide interpretations of this Policy from time to time by action of the Board.

5.2 No Conflicts

It is the intention of Mesa Water that this Policy shall not conflict with the applicable provisions of the Act or State law. In the event of such a conflict, State law, if applicable, shall govern over the terms of this Policy. In such event, all efforts shall be made to harmonize the provisions and requirements of State law and this Policy.

5.3 Changes in State Law

State statutes or case law may, from time to time, provide for interpretations or amendments as to what shall constitute a Public Record subject to the provisions of the Act. Such amendments and interpretations shall be considered to be integrated into this Policy when such statute(s) or case decisions(s) shall become effective.

5.4 Interpretations by District Secretary

The District Secretary may, from time to time, issue written interpretations of this Policy to assist in complying with the requirements of the Act or Mesa Water's administration of this Policy where not in conflict with the Act.

5.5 Limitations Concerning Records and Information -- Internet Posting

Mesa Water is prohibited from posting the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual. It is a misdemeanor for any Person to knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child, on the Internet, knowing that Person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual. (Government Code Section 6254.21).

6.0 DISPUTE OF MESA WATER'S RESPONSE TO PUBLIC RECORDS ACT REQUEST

Any Person may appeal a decision by Mesa Water, or the District Secretary, not to provide access or inspection to any information or document to the Board. The Board may consider such Request for access/inspection and may, in their complete discretion, grant such access or inspection, except where such records or documents must be kept confidential pursuant to State or federal law.

Additionally, under the Act, Government Code Section 6258, any Person may seek injunctive or declarative relief in any court of competent jurisdiction to enforce the right to inspect or to receive a copy of any information or document.

7.0 REQUESTS FOR THE RELEASE OF CUSTOMER RECORDS

7.1 Background: Intention

- a. This Section 7.0 shall govern any and all requests for Customer Records, and shall be interpreted in accordance with the prohibitions and requirements of Government Code Section 6254.16. Any requests for Customer Records will be managed in a manner consistent with this Section 7.0.
- b. The Board has determined that protection of Customer Records and the privacy of its Customers is an important policy of the District. This Policy is adopted for the principal purposes of protecting our Customer's privacy and protected Customer Records, protecting Customers and the District against potential fraud or identity theft efforts, and to provide for internal administration concerning matters within the scope of this Policy and consistency of application thereof.
- c. The Public Records Act generally does not require the disclosure of Customer Records except in specified circumstances. This Policy is adopted to address the submission of requests for Customer Records and

information made pursuant to California Government Code Section 6254.16 and the administration thereof.

- d. Notwithstanding Section 7.1(c), and pursuant to Section 6254.16, Mesa Water shall disclose, on request, the name, utility usage data, and home address of Customers only in response to requests: (i) from an agent or authorized family member of the Person to whom the information pertains; (ii) from an officer or employee of another governmental agency when necessary for the performance of its official duties; (iii) upon court order or the request of a law enforcement agency relative to an ongoing investigation; (iv) upon determination by Mesa Water that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies; (v) upon determination by Mesa Water that the utility customer who is the subject of the request is a member of the Mesa Water Board of Directors, except that the home address of such board member shall not be disclosed in any response without the board member's consent; or (vi) upon determination by Mesa Water that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure. With respect to requests from agents or authorized family members, as set forth in this Section, all requests shall be made utilizing the procedures set forth in Section 7.2 of this Policy.
- e. This Policy is adopted pursuant to the provisions of Water Code Sections 31000, 31001 and 31024.
- f. This Policy is subject to future amendment and interpretation from time to time.

7.2 Authorization for Utilization of Release Form

- a. The District Secretary is hereby authorized to prescribe a form that may be required for use by any Person making a Request for Customer Records. The District Secretary may, in their sole discretion, change such form from time to time. Upon generation, such form may be posted on the website at www.MesaWater.org.

The District Secretary is authorized to request and require such information as they may determine is required to meet the objectives stated in this Policy, which may include, but are not necessarily limited to, the following requirements:

- 1) With respect to requests for Customer Records, requests must be made using either Mesa Water's Release of Customer Records form (Release Form) or a Letter of Authorization from the Customer of Record in, or substantially in, the form provided by Mesa Water.
- 2) Requests must be complete and legible.

- 3) Customer Records will not be released or disclosed if the information stated on the Release Form or Letter of Authorization does not match Mesa Water's records or appears to be inaccurate or inauthentic.
- 4) Requests must be signed by one of the following:
 - Customer of Record (exactly as it appears on the water bill); or
 - contact Person (as listed on the Customer of Record's Mesa Water account); or
 - someone with authority to sign on behalf of the Customer of Record (e.g., owner of the business, CEO, etc.).

The District Secretary is also authorized to prescribe additional guidelines, instructions or requirements applicable to such form(s) as he/she may determine.

The District Secretary may, in full discretion, accept request(s) submitted by any Person or party submitted other than on the prescribed release form. The determination of whether or not to honor any such request submitted with a non-standardized release form or letter format (e.g., Letter of Authorization) shall rest with the District Secretary.

- b. Upon a change of the Customer or the Agent, a new Release Form or Letter of Authorization must be completed and submitted to Mesa Water.
- c. Release Forms or Letters of Authorization are valid for a period of one year from the date of execution. A new Release Form or Letter of Authorization must be resubmitted to Mesa Water by the Agent for each request. This Authorization may be revoked prior to the specified term by a letter signed by the Customer of Record or other authorized Person. Such revocation shall become effective when received by Mesa Water.
- d. A copy of this Policy shall be provided, upon request, to any requesting Person or party, without charge.

7.3 Request Administration

- a. The District Secretary, or their designee, shall provide for receipt and response to request(s). The District Secretary may prescribe additional processes, forms, directives and instructions relating to responding to request(s) submitted pursuant to the scope of this Policy.
- b. Mesa Water is not required to respond to questions, and will only respond to requests for Customer Records by way of a Release Form or Letter of Authorization submitted and approved of by the District Secretary or the District Secretary's designee. Mesa Water will attempt to respond to completed and submitted requests in a reasonable time, in accordance with the requirements of the Public Records Act.

- c. Any determination relative to a request or application of this Policy to a Customer Record may be appealed to the General Manager. The General Manager shall review the facts and circumstances upon receipt of a written request and appeal by a requesting Person or party, and thereafter inform such Person or party of the determination of the General Manager. The ruling of the General Manager shall be final for all administrative purposes.

7.4 Interpretation

- a. It is the intention of Mesa Water that this Policy shall not conflict with the applicable provisions of State law. In the event of such a conflict, State law, if applicable, shall govern over the terms of this Policy. In such event, all efforts shall be made to harmonize the provisions and requirements of State law and this Policy.
- b. State statutes or case law may, from time to time, provide for interpretations or amendments which may affect Government Code Section 6254.16. Such amendments and interpretations shall be considered to be integrated into this Policy when such statute(s) or case decisions(s) become effective.
- c. The District Secretary may, from time to time, issue written interpretations of this Policy to assist in complying with the requirements of State law or Mesa Water's administration of this Policy where not in conflict with State law.

RESOLUTION NO. 14211521

**RESOLUTION OF THE
MESA ~~CONSOLIDATED~~ WATER DISTRICT BOARD OF DIRECTORS
AMENDING THE POLICY FOR PUBLIC RECORDS
PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT
SUPERSEDING RESOLUTION NO. 13051421**

WHEREAS, Mesa ~~Consolidated~~ Water District (Mesa Water®) is a county water district organized and operating ~~according to California Law~~ pursuant to the provisions of the laws of the State of California (State or California); and

WHEREAS, Mesa Water has the authority to adopt, pursuant to Government Code Section 6253.4, various regulations stating the procedures to be followed when making its records available in accordance with the California Public Records Act, commencing with Government Code Section 6250, *et. seq.*; and

WHEREAS, the Legislature has enacted substantial changes to the California Public Records Act since Mesa Water's adoption of its previous guidelines; and

WHEREAS, Mesa Water's Board of Directors considers it appropriate to adopt an updated, comprehensive policy regarding access to Mesa Water's public records and to specify procedures for obtaining access to Mesa Water's public records.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MESA ~~CONSOLIDATED~~ WATER DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Pursuant to Government Code Section 6250, *et. seq.*, Mesa Water's Public Records Policy is amended to read as shown in Appendix A, attached hereto and made a part hereof by this reference.

Section 2. The amendment to ~~the~~ Mesa Water's Public Records Policy shall become effective ~~immediately~~ July 1, 2019.

Section 3. The Board hereby supersedes Resolution No. ~~1305-1421~~ regarding access to public records adopted thereby effective upon the adoption of this Resolution and the revised Public Records Policy.

ADOPTED, SIGNED, and APPROVED this 1428th day of ~~August 2012~~ March 2019 by a roll call vote.

AYES: DIRECTORS: ~~Ohlig-Hall, Atkinson, Dewane, Fidler, Bockmiller~~
NOES: DIRECTORS:
ABSENT: DIRECTORS:
ABSTAIN: DIRECTORS:

~~Fred R. Bockmiller, Jr., P.E.~~ Shawn Dewane
President, Board of Directors

~~Goleen L. Monteleone~~ Denise Garcia
District Secretary

DRAFT

RESOLUTION NO. ~~1421~~1521

APPENDIX A

RESOLUTION OF THE MESA ~~CONSOLIDATED~~ WATER DISTRICT BOARD OF DIRECTORS AMENDING THE POLICY FOR PUBLIC RECORDS PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT SUPERSEDING RESOLUTION NO. ~~1305~~1421

1.0 PUBLIC RECORDS ACCESS POLICY

1.1 Intention

The California Constitution, by and through the California Public Records Act (hereinafter, Act or Public Records Act) enacted by the Legislature and set forth in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, ~~Legislature provides that has declared that~~ access to information concerning the conduct of the ~~P~~people's business is a fundamental and necessary right of every Person in this State. The ~~California Public Records Act, Government Code Section 6250, et. seq. (Act or Public Records Act),~~ generally requires public records to be available to the public upon request. Mesa ~~Consolidated~~ Water District (Mesa Water) has established the following policy and guidelines to ensure that members of the public fully understand and are afforded an opportunity to use their right to inspect and obtain copies of Public Records.

1.2 Provision of Policy

A copy of this Policy will be provided free of charge upon request. This Policy will also be posted on Mesa Water's ~~internet~~ website.

1.3 Authority

This Policy has been adopted by the Board pursuant to the provisions of California Government Code Section 6253.4(a). This Policy is subject to future amendment and interpretation as set out in Section 5.0.

2.0 DEFINITIONS

Unless the context clearly otherwise requires, the terms defined in this Section shall, for all purposes of this Policy, have the meanings herein specified.

- a. Act or Public Records Act – means the California Public Records Act, ~~set forth in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of~~

- the Government Code, ~~being California Government Code Section 6250 of seq.~~, as currently in effect and as such may be amended from time to time.
- b. Agent – means the agent of a Mesa Water Customer as specified in a Request.
- ~~b.c.~~ Board – means the Board of Directors of the Mesa ~~Consolidated~~ Water District.
- ~~e.d.~~ Business Day – means a day which is not a Saturday or Sunday or a day on which Mesa Water is not open to conduct business, such as State and federal holidays.
- e. Customer – means a Mesa Water customer of record, as shown in Mesa Water’s records.
- f. Customer Records or Records – for purposes of this Policy shall mean records described within California Government Code Section 6254.16, including the name, credit history, utility usage data, home address, and telephone number of Customers.
- ~~d.g.~~ District Secretary – means Mesa Water’s duly appointed and acting ~~District~~ ~~servicing~~ Secretary ~~, or, in the absence of the Secretary, an Assistant Secretary of~~ Mesa Water District Board of Directors.
- h. Electronic Records – means a record, document or writing contained, transcribed or held in electronic format, such as computer records, listings, electronic mail (e-mail) and similar.
- ~~e.i.~~ General Manager – shall mean the duly appointed and acting General Manager, Interim General Manager or equivalent officer appointed by the Board of Directors of Mesa Water District.
- ~~f.j.~~ Member of the public – means any Person, except a member, agent, officer, or employee of a Federal, State, or local agency acting within the scope of his or her membership, agency, office, or employment. Notwithstanding this definition, nothing in this Policy shall be construed to limit the ability of Mesa Water’s elected or appointed members or officers from accessing the Public Records of Mesa Water on the same basis as any other Person, nor shall this definition limit the ability of elected or appointed members or officers to access Public Records permitted by law in the administration of their duties.
- ~~g.k.~~ Mesa Water – means the Mesa ~~Consolidated~~ Water District or any employee authorized to act on its behalf.
- ~~h.l.~~ Person – includes any natural Person, corporation, partnership, limited liability company, firm, or association.

- ~~i~~.m. Policy – means this Public Records Policy as adopted and amended or interpreted from time to time.
- ~~j~~.n. Public Records – includes any Writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by Mesa Water regardless of physical form or characteristics. For purposes of this Policy, Public Records do not include those Writings or documents that are exempt from disclosure, as described in Section 4.0 or otherwise exempt from disclosure, or which are not considered to be Public Records pursuant to the provisions of State law.
- ~~k~~.o. Request – means a request, submitted in writing, to Mesa Water, as set out in this Policy, to request inspection or copying of one or more Public Records held by Mesa Water.
- ~~l~~.p. State – means the State of California.
- ~~m~~.q. Writing – means any handwriting, typewriting, printing, photo stating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Unless the context otherwise indicates, words expressed in the singular shall include the plural and vice versa and the use of the neuter, masculine or feminine genera is for convenience only and shall be deemed to include the neuter, masculine or feminine gender, as appropriate. Headings of sections herein are solely for convenience of reference, do not constitute a part hereof and shall not affect the meaning, construction or effect hereof.

All references herein to Sections and other subdivisions are to the corresponding Sections or subdivisions of this Policy; the words herein, hereof, hereby, hereunder and other words of similar import refer to this Policy as a whole and not to any particular Section or subdivision hereof.

3.0 PROCEDURES FOR ACCESSING PUBLIC RECORDS

3.1 When Public Records May Be Inspected

The Public Records of Mesa Water shall be open to inspection, except as otherwise provided by this Policy and the Public Records Act, during Mesa Water's regular business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, excluding Holidays), and every Person has the right to inspect such Public Records. Any reasonably segregable portion of a Public Record will be made available for inspection by any Person requesting the Public Record after the deletion or redaction of the portions thereof that are otherwise exempted from disclosure.

The inspection of Public Records is subject to a rule of reason as to time and duration and must be consistent with the efficient functioning of Mesa Water's offices. Mesa Water requests that any Person who wishes to inspect Public Records, telephone Mesa Water's business office and schedule an appointment with the District Secretary to inspect the Public Records. It is Mesa Water's policy that Public Records not exempt from disclosure by State law will be open for public inspection with the least possible delay and expense to the requesting Person.

The inspection of such Public Records shall take place at Mesa Water's business office or at such location designated by Mesa Water, and Public Records so produced shall not be removed from Mesa Water's business office premises without the express prior written approval of the District Secretary.

3.2 Procedures for Obtaining Copies of Public Records

3.2.1 Submission of Requests

Requests for copies of Public Records shall be submitted orally or in writing to the District Secretary, which may include submission by electronic means. Oral requests, if made, may be reduced to writing by Mesa Water staff to verify that it is responding to the appropriate request and providing documents actually requested. Written requests shall, unless waived by the District Secretary, at the District Secretary's discretion, include all of the following information:

- a. A statement that the Person is requesting information under the Public Records Act;
- b. A clear and specific description of the Public Record(s) being requested. If possible, the requestor should identify date(s), subject(s), title(s), or author(s) of the Public Record(s) requested; and
- c. The requestor's contact information, including name, address, telephone number, and, if available, a fax number or e-mail address. To the extent such information is not provided, the request should include an alternative means by which the requestor may be contacted when the documents are available for inspection or copying. Such information may nevertheless be required, along with proper identification, if the requestor is paying by either credit card or check.

Such Requests must be submitted in Person, by United States (U.S.) ~~Mail~~ Mail, by facsimile transmission or by electronic means to Mesa Water's business offices, to the attention of the District Secretary. Requests submitted by facsimile should be confirmed as to receipt by

the requesting Person. It is the responsibility of the requesting Person to confirm Mesa Water's receipt of such a facsimile transmission request.

Requests received after normal business hours by facsimile ~~or~~ **electronic** transmission shall be treated as being received by Mesa Water on the following business day. Mesa Water assumes no liability for facsimile ~~or electronic~~ transmissions which are not received or are not comprehensible ~~as a result of transmission difficulties~~.

~~Requests for Public Records may be submitted electronically.~~ **Electronically submitted** ~~Such Requests~~ shall be directed to the District Secretary. The District Secretary may prescribe an electronic form for Requests for Public Records (electronic requests) and set forth such form on Mesa Water's website. Such forms may be used to screen spurious or automated e-mails which do not constitute legitimate Requests for Public Records.

The District Secretary shall have the authority to prescribe a standard form(s) for Public Records Requests and require the use thereof. The form(s) shall include a statement relating to Mesa Water's current copy costs. The requestor may be required to pay for copies of requested Public Records in advance.

The principal officer designated to receive Requests for Public Records and to reply and respond to such Requests is the District Secretary.

3.2.2 Assistance Identifying Public Records Sought

Whenever a Person is unable to make a clear and specific Request for one or more desired Public Record(s) as required by Section 3.2.1, Mesa Water shall, to the extent reasonable under the circumstances:

- a. Assist the Person to identify those Public Records that are responsive to the Request or to the purpose of the Request, if provided;
- b. Describe the information technology and physical location in which the Public Record exists; and
- c. Provide suggestions for overcoming any practical basis for denying access to the Public Record(s) sought.

Mesa Water's responsibilities under this Section will be deemed satisfied if Mesa Water is unable to identify the Public Record(s) sought after making a reasonable effort to elicit additional clarifying information from the Person making the Request.

The District Secretary or an Agent acting for the District Secretary (which may include another Mesa Water employee so authorized by the District Secretary, or Mesa Water legal counsel) may contact a Person who has presented a Request in order to clarify the nature of the Request or the Public Records being requested. In the event that a Request is modified by the Person making the Request as result of such contact(s) as set out in this Section 3.2.2, the nature of such modification(s) or refined Request shall be documented by the District Secretary, such documentation will typically be in the form of a letter or e-mail to the Person making such Request.

3.2.3 Time for Mesa Water's Initial Response

Upon receipt of a properly completed and submitted Request for copies of Public Records, the District Secretary shall within 10 days determine whether the Request, in whole or in part, seeks copies of Public Records in Mesa Water's possession that are disclosable under the Public Records Act, and shall promptly notify the Person making the Request of Mesa Water's determination, reasons for such a determination, and an approximate date and time when such requested Public Records ~~that may be disclosed by Mesa Water~~ will be made available **by Mesa Water**. Responses to Requests shall be in writing. Such responses may be made/furnished by U.S. Mail, facsimile, e-mail or other means as the District Secretary shall determine.

In unusual circumstances, the 10-day time limit may be extended up to **an additional** 14 days by written notice by Mesa Water to the requestor, setting forth the reason for the time extension. Unusual circumstances include:

- a. The need to search for and collect the requested records from offsite facilities or other establishments that are separate from the Mesa Water business office;
- b. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single Request;
- c. The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the Request or among two or more components of the agency having substantial subject matter interest therein;
- d. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

3.2.4 Records in Electronic Format

Unless otherwise prohibited by law, Mesa Water shall, upon request, make available any Public Record in electronic format, the disclosure of which is not exempt under the Public Records Act, in any electronic format in which Mesa Water holds the information or in the format requested if the requested format is one that has been used by Mesa Water to create copies for its own use or for provision to other public agencies.

Mesa Water is not required to reconstruct a record in electronic format if it no longer has the record available in electronic format. Mesa Water is also not required to create or generate a document or Writing that does not exist at the time a Request is made (for example, a listing, schedule or compilation that Mesa Water does not have, possess or use in its activities or business). If an electronic record is not requested, but the record is available electronically, Mesa Water may inform the requestor that the record is available in that format. Mesa Water shall not be required to release an electronic record in the electronic form in which it is held by Mesa Water if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

3.2.5 Fees for Copies of Records

A Request for a copy of an identifiable Public Record or information produced will cover the direct costs of duplication, which will be based upon the current cost per standard reproduced page. Mesa Water may, from time to time, prescribe and update its standard costs imposed for copying or electronic generation of requested Public Records. Such costs shall be made available to members of the public and may be posted on Mesa Water's ~~internet~~ website.

Mesa Water may commence work on any document copying or reproduction of any requested Public Record prior to the costs or cost estimate being deposited with, and received by, Mesa Water. Upon completion of the copying process, the Person making the Request shall be notified that the copies are available for delivery. Unless otherwise agreed to by Mesa Water, delivery shall be made at Mesa Water's business office. Upon delivery of the requested Public Records, the Person making the request shall pay the amount shown for all copies.

In some cases, Mesa Water may estimate the copy costs for requested Public Records. The District Secretary may elect to waive such costs in certain cases, at the sole discretion of ~~the~~ District Secretary.

3.2.5.1 Fees for Records in Electronic Format

The requestor will be responsible for the direct cost of producing a copy of a Public Record in electronic format, and will also bear the costs to construct a Public Record and the programming and computer services necessary if Mesa Water is required either to:

- a. Produce a copy of an electronic record and the Public Record is one that is produced only at otherwise regularly scheduled intervals, or
- b. Perform data compilation, extraction, or programming to produce the Public Record.

3.2.6 Mesa Water's Response to Requests

In responding to Public Record Requests, Mesa Water will generally advise the Person submitting the Request, by telephone, U.S. Mail or e-mail, as appropriate, of:

- a. The location, date, and time at which the requested Public Records may be inspected;
- b. The cost of providing copies, if copies of Public Records are requested;
- c. Which of the records requested are not subject to disclosure as Public Records pursuant to the applicable provisions of the Public Records Act.

Mesa Water may, in its sole discretion, post any Public Record on its website, and in response to a Request seeking a document posted on its website, directing the requestor to the location on the website where the Public Record is posted. However, if after Mesa Water directs a requestor, the requestor of the Public Record requests a copy of the Public Record due to an inability to access or reproduce the Public Record from the website, Mesa Water shall promptly provide a copy of the Public Record as otherwise required by the Act.

3.2.7 Assistance in Responding to Requests

Mesa Water's officers and employees are authorized to assist the District Secretary in compliance with the provisions of the Act and the provisions of this Policy.

4.0 RECORDS NOT OPEN TO PUBLIC INSPECTION

In balancing the public's right to access Public Records with the recognized individual right of privacy, statutory limitations and requirements, and the need for Mesa Water to be able to competently perform its duties, the Legislature has

established certain categories of records, which may be exempt from public disclosure or inspection.

A complete list of statutory exemptions can be found in the Act. Documents, information, Writings or records not subject to disclosure are not Public Records within the meaning of this Policy. Public Records exempt from disclosure that pertain to Mesa Water include, but are not limited to, the following:

- a. Preliminary drafts, notes, or inter-agency or intra-agency memoranda which are not retained by Mesa Water in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
- b. Records pertaining to pending litigation to which Mesa Water is a party, or to claims made to Mesa Water pursuant to Government Code Section 810, *et. seq.*, until such litigation or claim has been finally adjudicated or otherwise settled;
- c. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- d. Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any Person;
- e. Contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by Mesa Water relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. The laws concerning the requirements for exercise of the power of eminent domain, however, shall not be affected by this subsection;
- f. Documents prepared by or for Mesa Water that assess its vulnerability to terrorist attack or other criminal acts intended to disrupt Mesa Water's operations and that is for distribution or consideration in a closed session;
- g. Records of which the disclosure is exempt or prohibited pursuant to provisions of federal or State law, including, but not limited to, provisions of the Evidence Code relating to privilege;
- h. Writings covered by the attorney-client privilege pursuant to Government Code Sections 6253(k) and/or 6254.25 or otherwise under State or federal laws concerning attorney-client privilege;
- i. Records of Mesa Water related to activities governed by the Meyers-Milias-Brown Act, as set forth in Chapter 10 (commencing with Section 3500) of Division 4 of the Government Code, that reveal Mesa Water's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide

instruction, advice, or training to employees who do not have full collective bargaining and representation rights under the Meyers-Milias-Brown Act. This paragraph shall not be construed to limit the disclosure duties of Mesa Water with respect to any other records relating to the activities governed by the Meyers-Milias-Brown Act.;

- ji. Memoranda submitted to Mesa Water's Board of Directors by its legal counsel pursuant to Government Code Sections 11126(e) or 54956.9, until the pending litigation has been finally adjudicated or otherwise settled. The memorandum shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled;
- kj. Computer software, which includes computer mapping systems, computer programs, and computer graphic systems, developed by Mesa Water shall be subject to the provisions of Government Code Section 6254.9, or any successor section thereto, providing that such software is not a Public Record under the Public Records Act and that Mesa Water may sell, lease, or license the software for commercial or noncommercial use;
- lk. As provided by Government Code Section 6254.16, Mesa Water is prohibited from disclosing the name, credit history, utility usage data, home address, or telephone number of any of Mesa Water's customers, except that such information shall be provided upon request: (1) to an agent or authorized family member of the Person to whom the information pertains; (2) to an officer or employee of another governmental agency when necessary for the performance of its official duties; (3) upon court order or the request of a law enforcement agency relative to an ongoing investigation; (4) upon determination by Mesa Water that the utility customer who is the subject of the Request has used utility services in a manner inconsistent with applicable local utility usage policies; (5) upon determination by Mesa Water that the utility customer who is the subject of the Request is an elected or appointed official with authority to determine Mesa Water's utility usage policies, provided that the home address of an appointed official shall not be disclosed without his or her consent; or (6) upon determination by Mesa Water that the public interest in disclosure of the information outweighs the public interest in nondisclosure.;
- ml. Documents which fall within the exemption of the deliberate process protection as set out in Times Mirror Co. v Superior Court (1991) 53 Cal.3d 1325, to the extent supported by current State law.;
- nm. Purely personal information contained in a correspondence, e-mail or in a Mesa Water computer which is unrelated to the conduct of Mesa Water's business (i.e., a shopping list received from home, phone message from an employee or director's spouse about picking up the children, or an e-mail from a friend which ~~is~~ are totally void of reference to governmental activities).;

- oñ. Additional information and documentation held by public agencies which are not Public Records or not subject to disclosure pursuant to the Act are also set forth in Government Code Section 6275;:-
- p. Customer Records, except as provided for in Government Code Section 6254.16 and more specifically set forth and described in Section 7.0 of this policy.

Mesa Water also possesses the discretion to claim an exemption from public disclosure records, which do not qualify for a specific exemption under the Act, but for which Mesa Water may determine the public interest served by not making the record public clearly outweighs the public interest served by disclosure. Public Records subject to exemption may nevertheless be made available for inspection if waiving the exemption will serve the public interest, as determined by Mesa Water on a case-by-case basis. However, Mesa Water's determination to disclose a record, which may otherwise be exempt from disclosure, does not constitute a waiver with respect to any other records.

Notice – Under the provisions of the Act, Requests made or submitted to Mesa Water are generally themselves Public Records. Mesa Water may redact from such Request, which are themselves subject to a Request, information such as home addresses, e-mail addresses and phone numbers to the extent legally permissible, but Persons submitting Requests should be aware that such Requests generally fall within the definition of a Public Record (Government Code Section 6252(e)).

5.0 AMENDMENTS AND INTERPRETATIONS OF POLICY

5.1 Amendments and Interpretations by the Board

This Policy is subject to amendment from time to time by action of the Board. The Board also reserves the right to provide interpretations of this Policy from time to time by action of the Board.

5.2 No Conflicts

It is the intention of Mesa Water that this Policy shall not conflict with the applicable provisions of the Act or State law. In the event of such a conflict, State law, if applicable, shall govern over the terms of this Policy. In such event, all efforts shall be made to harmonize the provisions and requirements of State law and this Policy.

5.3 Changes in State Law

State statutes or case law may, from time to time, provide for interpretations or amendments as to what shall constitute a Public Record subject to the provisions of the Act. Such amendments and interpretations shall be

considered to be integrated into this Policy ~~which~~ when such statute(s) or case decisions(s) shall become effective.

5.4 Interpretations by District Secretary

The District Secretary may, from time to time, issue written interpretations of this Policy to assist in complying with the requirements of the Act or Mesa Water's administration of this Policy where not in conflict with the Act.

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5.5 Limitations Concerning Records and Information -- Internet Posting

Mesa Water is prohibited from posting the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual. It is a misdemeanor for any Person to knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child, on the Internet, knowing that Person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual. (Government Code Section 6254.21).

6.0 DISPUTE OF MESA WATER'S RESPONSE TO PUBLIC RECORDS ACT REQUEST

Any Person may appeal a decision by Mesa Water, or the District Secretary, not to provide access or inspection to any information or document to the Board. The Board may consider such Request for access/inspection and may, in their complete discretion, grant such access or inspection, except where such records or documents must be kept confidential pursuant to State or federal law.

Additionally, under the Act, Government Code Section 6258, any Person may seek injunctive or declarative relief in any court of competent jurisdiction to enforce the right to inspect or to receive a copy of any information or document.

7.0 REQUESTS FOR THE RELEASE OF CUSTOMER RECORDS

7.1 Background: Intention

- a. This Section 7.0 shall govern any and all requests for Customer Records, and shall be interpreted in accordance with the prohibitions and requirements of Government Code Section 6254.16. Any requests for Customer Records will be managed in a manner consistent with this Section 7.0.
- b. The Board has determined that protection of Customer Records and the privacy of its Customers is an important policy of the District. This Policy is adopted for the principal purposes of protecting our Customer's privacy and protected Customer Records, protecting Customers and the District against potential fraud or identity theft efforts, and to provide for internal administration concerning matters within the scope of this Policy and consistency of application thereof.
- c. The Public Records Act generally does not require the disclosure of Customer Records except in specified circumstances. This Policy is adopted to address the submission of requests for Customer Records and

information made pursuant to California Government Code Section 6254.16 and the administration thereof.

- d. Notwithstanding Section 7.1(c), and pursuant to Section 6254.16, Mesa Water shall disclose, on request, the name, utility usage data, and home address of Customers only in response to requests: (i) from an agent or authorized family member of the Person to whom the information pertains; (ii) from an officer or employee of another governmental agency when necessary for the performance of its official duties; (iii) upon court order or the request of a law enforcement agency relative to an ongoing investigation; (iv) upon determination by Mesa Water that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies; (v) upon determination by Mesa Water that the utility customer who is the subject of the request is a member of the Mesa Water Board of Directors, except that the home address of such board member shall not be disclosed in any response without the board member's consent; or (vi) upon determination by Mesa Water that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure. With respect to requests from agents or authorized family members, as set forth in this Section, all requests shall be made utilizing the procedures set forth in Section 7.2 of this Policy.
- e. This Policy is adopted pursuant to the provisions of Water Code Sections 31000, 31001 and 31024.
- f. This Policy is subject to future amendment and interpretation from time to time.

7.2 Authorization for Utilization of Release Form

- a. The District Secretary is hereby authorized to prescribe a form that may be required for use by any Person making a Request for Customer Records. The District Secretary may, in their sole discretion, change such form from time to time. Upon generation, such form may be posted on the website at www.MesaWater.org.

The District Secretary is authorized to request and require such information as they may determine is required to meet the objectives stated in this Policy, which may include, but are not necessarily limited to, the following requirements:

- 1) With respect to requests for Customer Records, requests must be made using either Mesa Water's Release of Customer Records form (Release Form) or a Letter of Authorization from the Customer of Record in, or substantially in, the form provided by Mesa Water.
- 2) Requests must be complete and legible.

- 3) Customer Records will not be released or disclosed if the information stated on the Release Form or Letter of Authorization does not match Mesa Water's records or appears to be inaccurate or inauthentic.
- 4) Requests must be signed by one of the following:
 - Customer of Record (exactly as it appears on the water bill); or
 - contact Person (as listed on the Customer of Record's Mesa Water account); or
 - someone with authority to sign on behalf of the Customer of Record (e.g., owner of the business, CEO, etc.).

The District Secretary is also authorized to prescribe additional guidelines, instructions or requirements applicable to such form(s) as he/she may determine.

The District Secretary may, in full discretion, accept request(s) submitted by any Person or party submitted other than on the prescribed release form. The determination of whether or not to honor any such request submitted with a non-standardized release form or letter format (e.g., Letter of Authorization), shall rest with the District Secretary.

- b. Upon a change of the Customer or the Agent, a new Release Form or Letter of Authorization must be completed and submitted to Mesa Water.
- c. Release Forms or Letters of Authorization are valid for a period of one year from the date of execution. A new Release Form or Letter of Authorization must be resubmitted to Mesa Water by the Agent for each request. This Authorization may be revoked prior to the specified term by a letter signed by the Customer of Record or other authorized Person. Such revocation shall become effective when received by Mesa Water.
- d. A copy of this Policy shall be provided, upon request, to any requesting Person or party, without charge.

7.3 Request Administration

- a. The District Secretary, or their designee, shall provide for receipt and response to request(s). The District Secretary may prescribe additional processes, forms, directives and instructions relating to responding to request(s) submitted pursuant to the scope of this Policy.
- b. Mesa Water is not required to respond to questions, and will only respond to requests for Customer Records by way of a Release Form or Letter of Authorization submitted and approved of by the District Secretary or the District Secretary's designee. Mesa Water will attempt to respond to completed and submitted requests in a reasonable time, in accordance with the requirements of the Public Records Act.

- c. Any determination relative to a request or application of this Policy to a Customer Record may be appealed to the General Manager. The General Manager shall review the facts and circumstances upon receipt of a written request and appeal by a requesting Person or party, and thereafter inform such Person or party of the determination of the General Manager. The ruling of the General Manager shall be final for all administrative purposes.

7.4 Interpretation

- a. It is the intention of Mesa Water that this Policy shall not conflict with the applicable provisions of State law. In the event of such a conflict, State law, if applicable, shall govern over the terms of this Policy. In such event, all efforts shall be made to harmonize the provisions and requirements of State law and this Policy.
- b. State statutes or case law may, from time to time, provide for interpretations or amendments which may affect Government Code Section 6254.16. Such amendments and interpretations shall be considered to be integrated into this Policy when such statute(s) or case decisions(s) become effective.
- c. The District Secretary may, from time to time, issue written interpretations of this Policy to assist in complying with the requirements of State law or Mesa Water's administration of this Policy where not in conflict with State law.



RELEASE OF CUSTOMER RECORDS FORM

Customer Information
Customer's Name: _____ <i>PRINT name exactly as it appears on the water bill.</i>
Service Address(s): _____
Account Number(s): _____
Phone Number: _____
E-Mail Address: _____
Description of Records Authorized for Release
<i>Check ALL that apply.</i> <input type="checkbox"/> Water Bill(s) _____ <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Water Consumption History _____
Authorization Period
This authorization is valid for a period of one year from the date this form is executed. A new form must be resubmitted to Mesa Water District by the Agent for each request.
Authorized Signer/Signature
<i>Authorization is only valid if you are the Customer (name as it appears on the water bill). If you are not the Customer, your name must be listed as the contact person on the account OR you must have authority to sign on behalf of the Customer. Proof of authority is required.</i>
Print Name: _____ Title: _____ <i>If your name is different from the Customer's name above.</i>
<i>I authorize the Third-Party Agent listed below to request records from Mesa Water District on my behalf.</i>
_____ Signature _____ Date _____
Third-Party Agent
Person/Company: _____

Customer's Name/Company Letterhead

Address, City, State ZIP Code | Phone Number | E-Mail

Date

District Secretary
Mesa Water District
1965 Placentia Avenue
Costa Mesa, CA 92627

Re: Authorization for the Release of Customer Records

Dear District Secretary:

Please provide copies of the following records:

- Water Bill(s) _____
- Water Consumption History _____
- Other _____

For the service address(s)/account(s) listed below:

Service Address(s): _____

Account Number(s): _____

*This authorization is valid for this period: from _____ to _____.
MONTH/YEAR MONTH/YEAR

I authorize** _____ to request records from
Mesa Water District on my behalf.
Name of Third-Party Agent

Sincerely,

Signature

Date

Print Name

Title

* If the authorization period is not specified on this form, this Letter of Authorization is valid for a period of one year from the date this letter is executed.

** Authorization is only valid if you are the Customer (name as it appears on the water bill). If you are not the Customer, your name must be listed as the contact person on the account OR you must have authority to sign on behalf of the Customer. Proof of authority is required.

AGENDA
MESA CONSOLIDATED WATER DISTRICT
IMPROVEMENT CORPORATION
ANNUAL MEETING OF THE BOARD OF DIRECTORS
1965 Placentia Avenue, Costa Mesa, CA 92627
Thursday, March 14, 2019 at 6:00 p.m.

CALL TO ORDER – 6:00 p.m. or as soon thereafter as the Mesa Water District agenda permits.

PUBLIC COMMENTS

ITEMS TO BE ADDED, REMOVED, OR REORDERED ON THE AGENDA

ACTION ITEMS:

- A. CONFIRM DIRECTORS OF CORPORATION
- B. APPROVE MINUTES FOR MEETING OF MARCH 8, 2018
- C. ELECTION OF CORPORATION OFFICERS:

Recommendation:

- 1. Elect President.
- 2. Elect Vice President.
- 3. Appoint Denise Garcia as Secretary.
- 4. Appoint Wendy Duncan as Assistant Secretary.
- 5. Appoint Marwan Khalifa, CPA, MBA, as Treasurer.
- 6. Appoint Phil Lauri, P.E., as Assistant Treasurer.

D. OLD BUSINESS:

None

E. NEW BUSINESS:

Recommendation: Direct officers to have annual audit conducted for Fiscal Year 2019.

In compliance with California law and the Americans with Disabilities Act, if you need disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, or if you need the agenda provided in an alternative format, please contact the District Secretary at (949) 631-1206. Notification 48 hours prior to the meeting will enable Mesa Water District (Mesa Water) to make reasonable arrangements to accommodate your requests.

Members of the public desiring to make verbal comments utilizing a translator to present their comments into English shall be provided reasonable time accommodations that are consistent with California law.

Agenda materials that are public records, which have been distributed to a majority of the Mesa Water Board of Directors (Board), will be available for public inspection at the District Boardroom, 1965 Placentia Avenue, Costa Mesa, CA and on Mesa Water's website at www.MesaWater.org. If materials are distributed to the Board less than 72 hours prior or during the meeting, the materials will be available at the time of the meeting.

ADJOURNMENT

**MINUTES OF THE MESA CONSOLIDATED WATER DISTRICT
IMPROVEMENT CORPORATION
ANNUAL MEETING
1965 Placentia Avenue, Costa Mesa, CA 92627
Thursday, March 8, 2018 at 6:00 p.m.**

CALL TO ORDER

The meeting of the Board of Directors was called to order on March 8, 2018 at 7:55 p.m. by MCWDIC President Fisler at the District Office Boardroom, located at 1965 Placentia Avenue, Costa Mesa, CA 92627.

Directors Present

James R. Fisler, MCWDIC President
Fred R. Bockmiller, P.E., MCWDIC Vice President
Jim Atkinson, MCWDIC Director
Marice H. DePasquale, MCWDIC Director
Shawn Dewane, MCWDIC Director

Directors Absent

None

Staff Present

Paul E. Shoenberger, P.E., General Manager/
MCWDIC Assistant Treasurer
Phil Lauri, P. E., Assistant General Manager
Denise Garcia, Administrative Services Manager/
MCWDIC Acting Secretary
Marwan Khalifa, CPA, MBA, Chief Financial Officer
Stacie Sheek, Customer Services Manager
Stacy Taylor, External Affairs Manager
Dustin Burnside, Water Operations Supervisor
Rob Anslow, Partner, Atkinson, Andelson, Loya, Ruud &
Romo

Others Present

Michael R. Markus, General Manager, Orange County Water
District
Anna Vrska, Member of the Public

PUBLIC COMMENTS

MCWDIC President Fisler asked for public comments on items not on the agenda.

There were no comments and MCWDIC President Fisler proceeded with the meeting.

ITEMS TO BE ADDED, REMOVED, OR REORDERED ON THE AGENDA

General Manager Shoenberger noted there were no items to be added, removed, or re-ordered.

CONFIRM DIRECTORS OF THE CORPORATION:

MOTION

Motion by MCWDIC Director Dewane, second by MCWDIC Director Atkinson, to confirm that the members of the Board of the Corporation consist of the Board members of Mesa Water District. Motion passed 5-0.

ACTION ITEMS:

- A. APPROVE MINUTES FOR MEETING OF MARCH 9, 2017:
- B. APPROVE MINUTES FOR SPECIAL MEETING OF MAY 18, 2017:
- C. APPROVE MINUTES FOR SPECIAL MEETING OF JUNE 8, 2017:

MCWDIC President Fisler asked for public comments. There were no public comments.

MOTION

Motion by MCWDIC Director Dewane, second by MCWDIC Director DePasquale, to approve Action Items A - C. Motion passed 5-0.

D. ELECTION OF CORPORATION OFFICERS:

MCWDIC Acting Secretary Garcia explained the current process followed to elect officers of the Corporation.

President:

MOTION

Motion by MCWDIC Vice President Bockmiller, second by MCWDIC Director Atkinson, to elect MCWDIC President Fisler as President. Motion passed 5-0, by the following roll call vote:

AYES:	DIRECTORS	Atkinson, DePasquale, Dewane, Bockmiller, Fisler
NOES:	DIRECTORS	None
ABSENT:	DIRECTORS	None
ABSTAIN:	DIRECTORS	None

Vice President:

MOTION

Motion by MCWDIC Director Dewane, second by MCWDIC Vice President Bockmiller, to elect MCWDIC Director DePasquale as Vice President. Motion passed 5-0, by the following roll call vote:

AYES:	DIRECTORS	Atkinson, DePasquale, Dewane, Bockmiller, Fisler
NOES:	DIRECTORS	None
ABSENT:	DIRECTORS	None
ABSTAIN:	DIRECTORS	None

MOTION

Motion by MCWDIC Director Dewane, second by MCWDIC Director Bockmiller, to appoint the balance of the slate: MCWDIC Directors Atkinson, Bockmiller and Dewane. Motion passed 5-0, by the following roll call vote:

AYES:	DIRECTORS	Atkinson, Bockmiller, Dewane, DePasquale, Fisler
NOES:	DIRECTORS	None
ABSENT:	DIRECTORS	None
ABSTAIN:	DIRECTORS	None

MOTION

Motion by MCWDIC Director Dewane, second by MCWDIC Director Bockmiller, to appoint:

- Denise Garcia as Secretary
- Wendy Duncan as Assistant Secretary
- Marwan Khalifa, CPA, MBA as Treasurer
- Phil Lauri, P.E. as Assistant Treasurer

Motion passed 5-0, by the following roll call vote:

AYES:	DIRECTORS	Atkinson, Bockmiller, Dewane, DePasquale, Fisler
NOES:	DIRECTORS	None
ABSENT:	DIRECTORS	None
ABSTAIN:	DIRECTORS	None

E. OLD BUSINESS:

None.

F. NEW BUSINESS:

1. Annual Audit

MCWDIC President Fisler asked for public comments. There were no comments.

MOTION

Motion by MCWDIC Director Dewane, second by MCWDIC President Fisler, to direct the officers to have an annual audit conducted for Fiscal Year 2018. Motion passed 5-0.

The meeting was adjourned at 8:10 p.m.

Approved:

James R. Fidler, MCWDIC President

Denise Garcia, MCWDIC Secretary

Recording Secretary: Sharon D. Brimer

Unapproved

MESA CONSOLIDATED WATER DISTRICT
IMPROVEMENT CORPORATION

Current Directors:

Jim Atkinson
Fred R. Bockmiller, P.E.
Marice H. DePasquale
Shawn Dewane
James R. Fisler

Proposed New Directors:

None

Current Officers:

Proposed Officers:

President:	Director Fisler	Open
Vice President:	Director DePasquale	Open
Secretary:	Denise Garcia	Denise Garcia
Assistant Secretary:	Wendy Duncan	Wendy Duncan
Treasurer:	Marwan Khalifa, CPA, MBA	Marwan Khalifa, CPA, MBA
Assistant Treasurer:	Phil Lauri, P.E.	Phil Lauri, P.E.



*Dedicated to
Satisfying our Community's
Water Needs*

MEMORANDUM

TO: Board of Directors
FROM: Paul E. Shoenberger, P.E., General Manager
DATE: March 14, 2019
SUBJECT: Municipal Water District of Orange County Briefing

RECOMMENDATION

Receive the presentation.

STRATEGIC PLAN

Goal #1: Provide a safe, abundant, and reliable water supply.
Goal #3: Be financially responsible and transparent.
Goal #4: Increase public awareness about Mesa Water® and about water.

DISCUSSION

At the request of the Board of Directors, the Municipal Water District of Orange County has presented briefings since 2003.

FINANCIAL IMPACT

None.

ATTACHMENTS

None.

REPORTS:

10. REPORT OF THE GENERAL MANAGER:
 - February Key Indicators Report
 - Other (no enclosure)

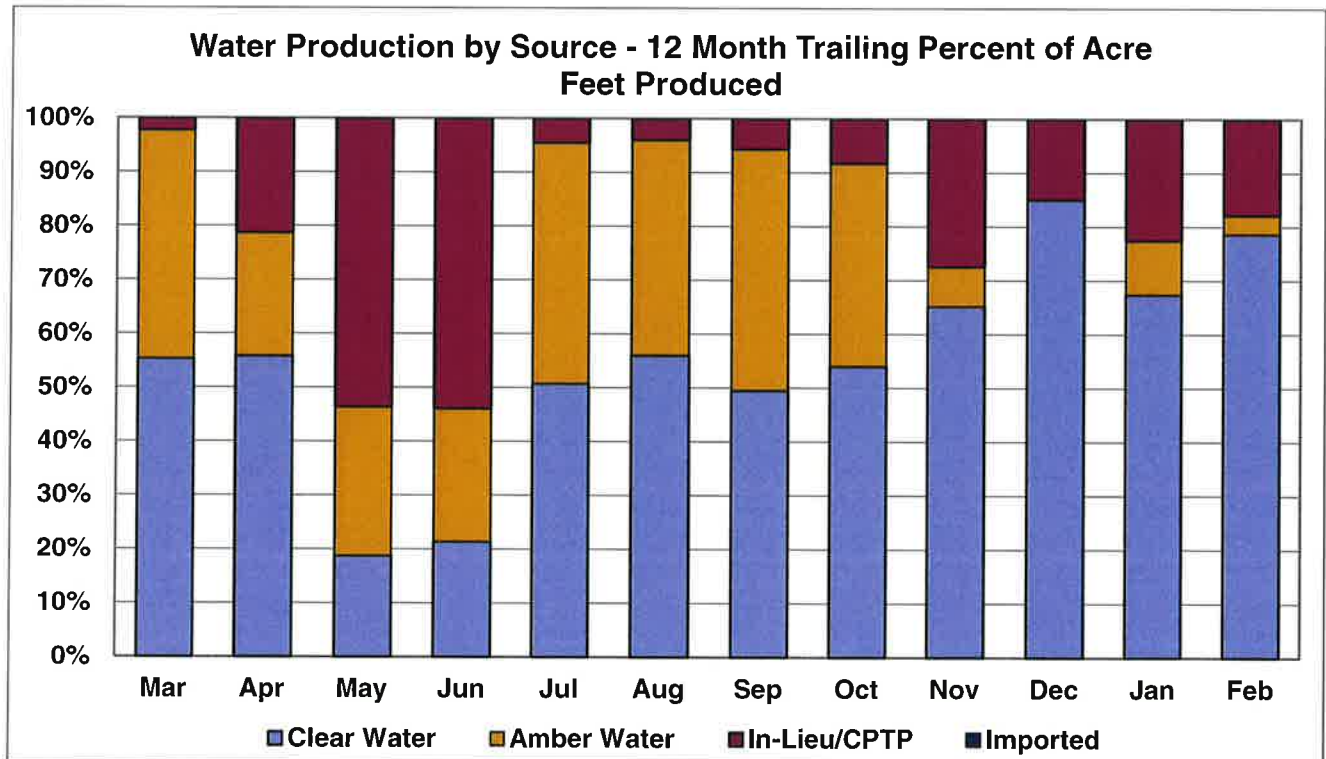
**Monthly Key Indicators Report
For The Month of February 2019**

Goal #1: Provide a safe, abundant, and reliable water supply

FY 2019 Potable Production (Acre Feet)

Water Supply Source	FY 2019 YTD Actual (AF)	FY 2019 YTD Budget (AF)	FY 2019 Annual Budget (AF)
Clear Water	6,597	7,406	12,241
Amber Water (MWRP)	2,965	2,920	4,419
Imported	0	0	0
Basin Management Water	1,274	1,000	1,000
Total Production	10,837	11,326	17,660

YTD actual water production (AF) through February 28, 2019



**Monthly Key Indicators Report
For The Month of February 2019**

Goal #1: Provide a safe, abundant, and reliable water supply

FY19 System Water Quality – This data reflects samples taken in January

Distribution System:	Average	Range	MCL
Chlorine Residual (mg/L) <i>Compliance</i>	1.87	0.42 – 2.94 Current RAA = 1.94	4 RAA
Coliform Positive % <i>Compliance</i>	0	0	5
Temperature (° F)	67.9	60 – 77	None

Reservoir I & II:	Average	Range	MCL
Chlorine Residual (mg/L)	1.23	0.62 – 2.09	None
Monochloramine (mg/L)	1.15	0.52 – 1.96	None
Ammonia (mg/L)	0.28	0.12 – 0.48	None
Temperature (° F)	67.2	63 – 71	None

Wells (Treated):	Average	Range	MCL
Chlorine Residual (mg/L)	2.67	2.44 – 3.03	None
Monochloramine (mg/L)	2.57	2.44 – 2.83	None
Ammonia (mg/L)	0.58	0.52 – 0.71	None
Temperature (° F)	69.6	66 – 73	None

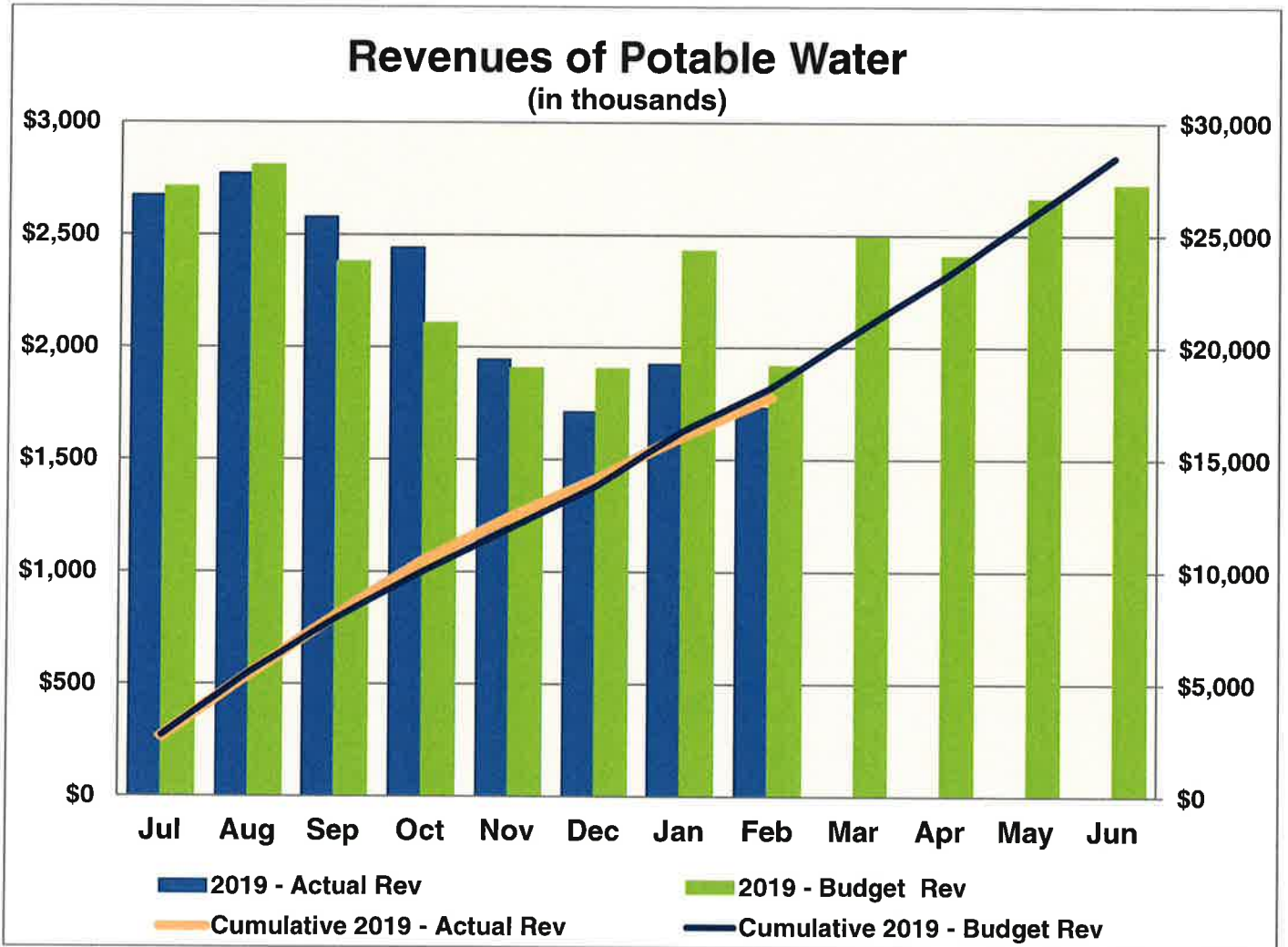
MWRF:	Average	Range	MCL
Chlorine Residual (mg/L)	2.6	2.28 – 3.09	None
Monochloramine (mg/L)	2.53	2.25 – 3.00	None
Ammonia (mg/L)	0.57	0.52 – 0.60	None
Temperature (° F)	76.4	75 – 77	None
Color (CU) <i>Compliance</i>	ND	ND	15
Odor (TON) <i>Compliance</i>	1	1	3

Water Quality Calls/Investigations:

Total Calls	1
Total Investigations (from calls)	0

**Monthly Key Indicators Report
For The Month of February 2019**

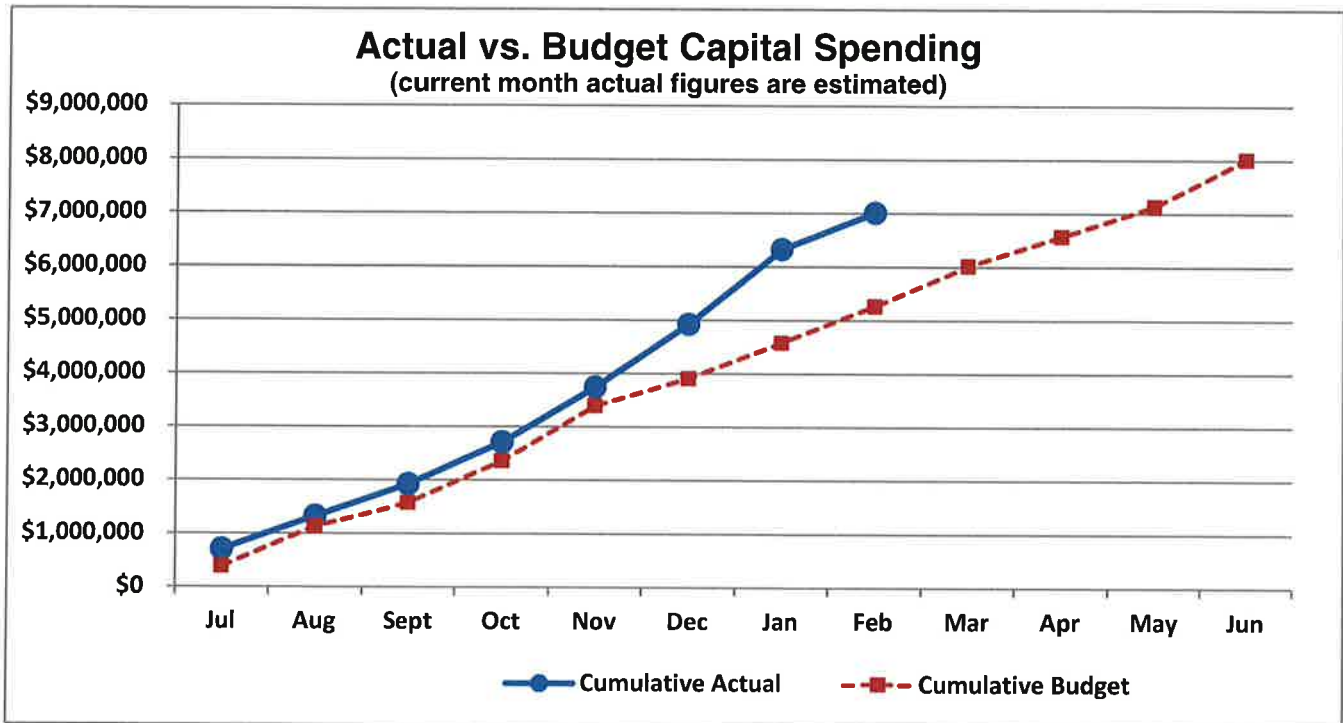
Goal #2: Practice perpetual infrastructure renewal and improvement



	Actual	Budget	Favorable (Unfavorable)	
			Difference	%
Total YTD \$	17,776,363	18,163,201	(386,838)	(2.13%)

Monthly Key Indicators Report
For The Month of February 2019

Goal #3: Be financially responsible and transparent



**Monthly Key Indicators Report
For The Month of February 2019**

Goal #4: Increase public awareness about Mesa Water® and about water

Web Site Information

Web Site Information	January 2019	February 2019
Visits to the web site	6203	5618
Unique visitors (First time to the site)	3466	3196
Average per day	200	200
Average visit length	1 minute, 34 seconds	1 minute, 24 seconds
Page visited most	Home	Home
Second most visited page	Online Bill Pay	Online Bill Pay
Third most visited page	Human Resources	Human Resources
Fourth most visited page	Contact	Departments
Fifth most visited page	Departments	Contact
Most downloaded file	2018 Water Quality Report	Salary Ranges by Job Classification & Level
Second most downloaded file	Salary Ranges by Job Classification & Level	2018 Water Quality Report
Most active day of the week	Tuesday	Monday
Least active day of the week	Sunday	Saturday

Total visits since June 1, 2002 <u>1,312,478</u>
--

Water Vending Machine Information

Vending Machine Location	Vend Measurement	March 2019 Vends	Totals Vends
Mesa Water Office	1 gal	4,445	338,165

Monthly Key Indicators Report
For the Month of February 2019
Goal #5: Attract and retain skilled employees

DEPARTMENT:	FY 2019			COMMENTS:
	BUDGET	FILLED	VACANT	
OFFICE OF THE GENERAL MANAGER:				
General Manager	1.00	1.00	0.00	
Business Administrator	1.00	1.00	0.00	
Subtotal	2.00	2.00	0.00	
ADMINISTRATIVE SERVICES:				
Administrative Services	5.00	5.00	0.00	
Subtotal	5.00	5.00	0.00	
CUSTOMER SERVICES:				
Conservation	1.00	1.00	0.00	
Customer Service	9.00	6.00	3.00	<i>Field Customer Service Representative (2) - vacant/using temporary assistance Lead Field Customer Service Representative - vacant/recruitment in process</i>
Subtotal	10.00	7.00	3.00	
ENGINEERING:				
Engineering	4.00	4.00	0.00	
Subtotal	4.00	4.00	0.00	
EXTERNAL AFFAIRS:				
Legislative & Governmental Affairs	1.50	1.50		
Subtotal	1.50	1.50	0.00	
FINANCIAL SERVICES:				
Financial Reporting/ Purchasing	5.00	4.00	1.00	<i>Buyer - vacant/using temporary assistance/ recruitment in process</i>
Accounting	1.00	1.00	0.00	
Subtotal	6.00	5.00	1.00	
HUMAN RESOURCES:				
Human Resources	3.00	2.00	1.00	<i>Sr. Human Resources Analyst - vacant/ using temporary assistance</i>
Subtotal	3.00	2.00	1.00	
PUBLIC AFFAIRS:				
Outreach, Education & Communications	2.50	2.50	0.00	
Subtotal	2.50	2.50	0.00	
WATER OPERATIONS:				
Supervision/Support	6.00	6.00	0.00	<i>Facility Maintenance Worker I/II - vacant/using temporary assistance/ recruitment in process</i>
Distribution	10.00	9.00	1.00	
Production	3.00	3.00	0.00	
Water Quality	2.00	2.00	0.00	
Subtotal	21.00	20.00	1.00	
TOTAL BUDGETED POSITIONS:	55.00	49.00	6.00	

**Monthly Key Indicators Report
For The Month of February 2019**

Goal #6: Provide outstanding customer service

Customer Calls

Call Type	FY19 YTD	Feb 2019	YTD Weekly Average
General Billing Question	1499	183	42
Service Requests	1336	132	39
High Bill	1465	156	42
Payments	1794	195	52
Late Fee	1304	191	36
Account Maintenance	329	35	9
On-Line Bill Pay	1136	142	32
Water Pressure	32	5	1
No Water	215	21	6
Conservation	176	15	5
Water Waste	77	12	2
Other (District info. other utility info. etc.)	1735	196	50
Rate Increase	34	1	1
Fluoridation	9	0	1
TOTAL CUSTOMER CALLS	11141	1284	318
AVERAGE ANSWER TIME (Seconds)	10	10	10

Online Bill Pay Customers

Current Customers Enrolled	FY 2019 YTD	Feb 2019	YTD Weekly Average
13515	1391	133	40

REPORTS:

11. DIRECTORS' REPORTS AND COMMENTS

**DIRECTORS' REPORTS (AB 1234) PER CA GOVERNMENT
CODE SECTION 53232.3 (d)**

In accordance with CA Government Code 53232.3 (d), the following report identifies the meetings for which Mesa Water Directors received expense reimbursement.

Jim Atkinson **Meetings Attended**

Reimbursement Date:	Description, Date
2/19/19	ACWA Region 10 Meeting, 2/8

Fred R. Bockmiller, P.E. **Meetings Attended**

Reimbursement Date:	Description, Date
N/A	

Marice H. DePasquale **Meetings Attended**

Reimbursement Date:	Description, Date
2/14/19	CalDesal Conference, 2/6 – 2/8

Shawn Dewane **Meetings Attended**

Reimbursement Date:	Description, Date
N/A	

James R. Fisler **Meetings Attended**

Reimbursement Date:	Description, Date
N/A	

There are no support materials for this item.