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Satisfying our Community's
Water Needs*

**MINUTES OF THE BOARD OF DIRECTORS
MESA WATER DISTRICT
Tuesday, November 15, 2022
1965 Placentia Avenue, Costa Mesa, CA 92627
3:30 p.m. Adjourned Regular Board Meeting**

BOARD OF DIRECTORS COMMITTEE MEETING

CALL TO ORDER The meeting of the Board of Directors was called to order at 3:31 p.m. by President DePasquale.

PLEDGE OF ALLEGIANCE Director Fisler led the Pledge of Allegiance.

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

Directors Absent None

Staff Present Paul E. Shoenberger, P.E., General Manager
Wendy Duncan, Records Management Specialist/
Acting District Secretary
Marwan Khalifa, CPA, MBA, Chief Financial Officer/
District Treasurer
Tracy Manning, Chief Operating Officer
Stacie Sheek, Customer Services Manager
Andrew D. Wiesner, P.E., District Engineer
Stacy Taylor, Water Policy Manager
Kurt Lind, Business Administrator
Tyler Jernigan, Assistant Operations Manager
Rob Anslow, Partner, Atkinson, Adelson, Loya, Ruud & Romo

Others Present Scott Brehmer, Principal, Industrial Hygiene & Safety, Citadel EHS, Inc.
Renee Sanshu, Senior Project Manager, Nth Generation
James Mikal, Account Executive, Nth Generation
James Gonzales, Account Executive, Nth Generation

PUBLIC COMMENTS

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

There was no public present and President DePasquale proceeded with the meeting.

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

General Manager Shoenberger reported there were no items to be added, removed, or reordered on the agenda.

CONSENT CALENDAR ITEMS:

Director Bockmiller pulled Item 3 for discussion. There were no objections.

1. Receive and file the Water Quality Call Report.
2. Receive and file the Accounts Paid Listing.
3. Receive and file the Orange County Update.
4. Receive and file the Fiscal Year 2023 First Quarter Financial Update.
5. Authorize President Marice H. DePasquale as the voting delegate for the vote on proposed Amended and Restated Bylaws of the Association of California Water Agencies.

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

MOTION

Motion by Vice President Dewane, second by Director Atkinson, to approve Items 1, 2, 4 and 5 of the Consent Calendar. Motion passed 5 – 0.

ITEM 3 – Receive and file the Orange County Update.

Water Policy Manager Taylor provided an Orange County Update.

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

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

MOTION

Motion by Director Bockmiller, second by Director Atkinson, to approve Item 3 of the Consent Calendar. Motion passed 5 – 0.

PRESENTATION AND DISCUSSION ITEMS:

6. FISCAL YEAR 2022 ENVIRONMENTAL, HEALTH AND SAFETY PROGRAM AUDIT:

Business Administrator Lind provided an overview of the topic and introduced Citadel EHS, Inc. Industrial Hygiene & Safety Principal Scott Brehmer who provided a presentation that highlighted the following:

- The Road to Excellence
- Scorecard
- 2022 Significant Improvements
- Experience Modification Rate (EMR)
- 2022 Areas That Require Improvement
- Next Steps

Mr. Brehmer and Chief Operating Officer Manning responded to questions from the Board and they thanked them for the presentation.

ACTION ITEMS:

7. FEDERAL GOVERNMENT ADVOCACY CONSULTING SERVICES:

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

MOTION

Motion by Director Bockmiller, second by Vice President Dewane, to award a one-year contract to Van Scoyoc Associates, Inc. for \$135,000 to provide Federal Government Advocacy Consulting Services. Motion passed 5 – 0.

8. CONFLICT OF INTEREST CODE:

GM Shoenberger provided an overview of the topic.

Discussion ensued amongst the Board.

GM Shoenberger, Acting District Secretary Duncan, and Attorney Anslow responded to questions from the Board and they thanked them for the information.

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

MOTION

Motion by Vice President Dewane, second by Director Atkinson, to adopt Resolution No. 1571 Amending its Conflict of Interest Code Superseding Resolution No. 1535. Motion passed 5 – 0, by the following roll call vote:

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

REPORTS:

9. REPORT OF THE GENERAL MANAGER

10. DIRECTORS' REPORTS AND COMMENTS

INFORMATION ITEMS:

11. FISCAL YEAR 2022 ANNUAL REIMBURSEMENT REPORT

12. OTHER (NO ENCLOSURE)

RECESS

President DePasquale declared a recess at 4:11 p.m.

The Board meeting reconvened at 4:15 p.m.

CLOSED SESSIONS:

President DePasquale announced the Board was going into Closed Session at 4:16 p.m.

13. CONFERENCE WITH CYBER SECURITY CONSULTANT PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957 (a):
The Board will meet in Closed Session with its cyber security consultant concerning cyber security risks and protections.

The Board returned to Open Session at 5:01 p.m.

Attorney Anslow reported that the Board conducted Closed Session Item 13 with the General Manager, Business Administrator, Nth Generation Consultants and General Legal Counsel pursuant to California Government Code 54957 (a). The Board received information and there was no further announcement.

The Board returned to Closed Session at 5:05 p.m.

14. CONFERENCE WITH GENERAL LEGAL COUNSEL – ANTICIPATED LITIGATION:
Initiation of litigation pursuant to California Government Code Section 54956.9 (d)(4)
Number of Cases: 1
15. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO CALIFORNIA GOVERNMENT CODE 54957.6:
District Negotiator: General Manager
Employee Organization: Represented and Non-Represented Employees
16. PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.6:
Public Employee Performance Evaluation
Title: General Manager

The Board returned to Open Session at 5:30 p.m.

Attorney Anslow reported that the Board conducted Closed Session Item 14 with the General Manager, Chief Operating Officer, District Engineer and General Legal Counsel pursuant to California Government Code 54956.9 (d)(4). The Board gave direction to the General Manager and General Legal Counsel and there was no further announcement.

Attorney Anslow reported that Closed Session Item 15 was not taken at this meeting.

Attorney Anslow reported that the Board conducted Closed Session Item 16 with the General Manager and General Legal Counsel pursuant to California Government Code 54957.6. Action will be taken under Item 17.

ACTION ITEMS (CONT.):

17. ANNUAL PERFORMANCE EVALUATION FOR THE GENERAL MANAGER:

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

MOTION

- Motion by President DePasquale, second by Director Atkinson, to approve the following:
- a. A 5.5% increase to the General Manager's base salary, effective September 23, 2022;
 - b. An additional \$300 per month toward a District vehicle, effective September 23, 2022; and
 - c. A one-time performance incentive of \$27,000, payable for the pay period ending December 29, 2022.

Motion passed 5 – 0.

President DePasquale adjourned the meeting at 5:32 p.m. to a Regular Board Meeting scheduled for Wednesday, December 14, 2022 at 4:30 p.m.

Approved:

DocuSigned by:
Marice H. DePasquale
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Marice H. DePasquale, President

DocuSigned by:
Denise Garcia
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Denise Garcia, District Secretary

Recording Secretary: Sharon D. Brimer