

**MINUTES OF THE BOARD OF DIRECTORS
MESA CONSOLIDATED WATER DISTRICT
1965 Placentia Avenue, Costa Mesa, CA
Tuesday, August 11, 2009
7:00 p.m. Regular Board Meeting**

CALL TO ORDER

The meeting of the Board of Directors was called to order on August 11, 2009 at 7:00 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.

ROLL CALL

Directors Present

Shawn Dewane, President
Fred R. Bockmiller, First Vice President
Trudy Ohlig-Hall, Vice President

Directors Absent

James F. Atkinson, Vice President

Staff Present

Coleen L. Monteleone, Administrative Services Manager/
District Secretary
Robert R. McVicker, District Engineer
Jerry Vilander, Water Operations Manager
Barbara Wiseman, Human Resources Manager
Tracy Manning, Water Quality Coordinator
Rob Anslow, Attorney, Bowie, Arneson, Wiles & Giannone

Others Present

Jim Fisler, Mesa Customer
Jim Fitzpatrick, Mesa Customer
Teri Black-Brann, Teri Black & Company

PUBLIC COMMENTS

President Dewane invited members of the public to address the Board of Directors (Board) on matters that were not on the agenda.

President Dewane recognized Jim Fisler. Mr. Fisler thanked the Board and staff for their efforts in saving the District money in the refinancing of the Certificates of Participation (COPS). He noted this translates to savings for the Mesa ratepayer.

Jim Fitzpatrick asked if the public has input to the selection of the General Manager.

President Dewane responded that the only employee hired by the Board is the General Manager. The General Manager is responsible for the rest of the Mesa's staff.

Attorney Anslow commented that the Board has the prerogative to discuss the selection process in open session, but the discussion regarding the qualifications of the candidates and negotiations with a

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candidate are conducted in closed session. The final contract with the General Manager will be voted on in open session.

Mr. Fitzpatrick asked that the Board provide as much information about the candidates for General Manager as possible in open session.

Director Bockmiller asked Attorney Anslow for a comment regarding public participation in the General Manager selection process with other agencies with whom Mr. Anslow's works. Attorney Anslow confirmed that it is his experience that the closed session forum is used to review candidate qualifications and conduct interviews and these tasks are universally conducted in closed session with the exception of the approval of the contract with the candidate selected to fill the General Manager's position. The purpose for the discussion in closed session is to ensure the candidate's interest in the position is confidential.

It was noted that if a Mesa customer has questions or comments regarding the selection of the General Manager, the person is invited to make those comments during public comments at the beginning of each meeting. Those comments are taken under advisement by the Board.

Mr. Fitzpatrick asked if the Poseidon Project would be on future agendas. Director Bockmiller noted that the Poseidon Project will on future agendas until a final decision is made by the Board.

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

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

President Dewane asked if there were items to be added, withdrawn, or reordered on the agenda. District Engineer McVicker responded there were no changes to the agenda.

I. CONSENT CALENDAR ITEMS:

All matters on the Consent Calendar will be approved by one motion unless a Board member, staff, or a member of the public requests a separate action.

- A. Approve attendance considerations (additions, changes, deletions).
 - 1. "The California Water Challenge" Presentation by Congressman Edward Royce; Fullerton, CA; Thursday, August 20, 2009.
 - 2. Assembly Select Committee on Regional Approaches to Addressing the State's Water Crisis Hearing; Fountain Valley, CA; August 21, 2009.
 - 3. A Delta Briefing and Call to Action Event; Fountain Valley, CA; Friday, August 21, 2009.
- B. Board Schedule:
 - 1. Tentative Meeting Topics
 - 2. Conference, Seminars, and Meetings
 - 3. Board Calendar
- C. Approve the September/October issue of the District newsletter.

MOTION 2009-68

Motion by Director Bockmiller, seconded by Director Ohlig-Hall, to approve Items A–C of the Consent Calendar. Motion passed 3-0-1 with Director Atkinson absent.

II. PRESENTATION AND DISCUSSION ITEMS:

A. WATER QUALITY AND REGULATORY UPDATE:

President Dewane introduced Water Operations Manager Jerry Vilander. Mr. Vilander introduced Water Quality Coordinator Tracy Manning who proceeded with a presentation on the following:

- ◆ Water Quality Sampling Summary FY09
- ◆ 2009 Consumer Confidence Report
- ◆ Initial Distribution System Evaluation
- ◆ Groundwater Rule Implementation
- ◆ Well NDMA Update
- ◆ Well 1,4 Dioxane Update

Ms. Manning noted that more than 2,800 samples were taken from the distribution system as well as 283 reservoir samples, 929 well samples, 537 colored water treatment facility samples, and 52 samples were taken at the water vending machine during the fiscal year.

The Consumer Confidence Report, also known as the Water Quality Report, was mailed to all addresses in the service area prior to the July 1 deadline.

Ms. Manning discussed the new groundwater rule, which will take effect on December 1, 2009. She noted that although there are many changes, there is no significant impact to Mesa because the monitoring is already being performed by the District.

Ms. Manning responded to questions from the Board. President Dewane thanked Ms. Manning for her presentation.

III. ACTION ITEMS:

A. FY10 STATEMENT OF INVESTMENT POLICY:

Director Ohlig-Hall noted that the resolution has been reviewed by the Finance Committee and the Committee recommends approval.

President Dewane asked for comments from the public.

Mesa Customer Mr. Fisler commented on Resolution 1380 noting that he was pleased that the District has adopted this conservative position.

MOTION 2009-69

Motion by Director Bockmiller, seconded by Director Ohlig-Hall, to approve Resolution 1380 Delegating Authority Relative to Investment or Reinvestment of Funds, and Providing for a Revised Statement of Investment Policy, Rescinding Resolution 1366.

Motion passed by the following roll call vote:

AYES: DIRECTORS Ohlig-Hall, Bockmiller, Dewane
NOES: DIRECTORS None
ABSENT: DIRECTORS Atkinson
ABSTAIN: DIRECTORS None

B. CLOSED SESSION:

The agenda was re-ordered to take the Closed Session following Item IV Reports and Information Items.

1. PUBLIC EMPLOYEE APPOINTMENT
PURSUANT TO GOVERNMENT CODE SECTION 54957:
Title: General Manager

C. DISTRICT MANAGEMENT:

This item was not discussed and no action was taken.

IV. REPORTS AND INFORMATION ITEMS:

A. REPORT OF THE GENERAL MANAGER:

1. Items of general interest:
 - Other
 - Mr. McVicker reported that the Certificates of Participation have been funded.
 - The District has received 12 letters of interest regarding the vacant Division II Board position.

B. STANDING COMMITTEE REPORTS:

1. Director Ohlig-Hall reported on the following meeting:
 - a. Finance Committee Meeting, 7/29

The Committee reviewed disbursements to Directors and employees as reported on the Accounts Paid Listing per California Government Code Section 53065.5.

2. Director Bockmiller reported on the following meeting:
 - a. Public Information Committee, 8/10
3. President Dewane reported on the following meeting:
 - a. Executive Committee Meeting, 8/6

C. DIRECTORS' REPORTS AND COMMENTS:

1. Director Bockmiller reported on the following meeting:
 - a. WACO Meeting, 8/7
 - b. Other
2. Director Ohlig-Hall reported on the following meeting:
 - a. Jt. MWDOC Meeting, 8/5
 - b. Other
3. Director Atkinson – not present at this meeting.
 - a. OCWD Meeting, 8/5
 - b. Other
4. President Dewane reported on the following meeting:
 - a. ISDOC Meeting, 8/4
 - b. Other

RECESS

President Dewane declared a recess at 8:16 p.m. The Board reconvened at 8:27 p.m.

III. ACTION ITEMS:

B. CLOSED SESSION:

President Dewane announced that the Board of Directors was going into Closed Session at 8:27 p.m.

1. PUBLIC EMPLOYEE APPOINTMENT
PURSUANT TO GOVERNMENT CODE SECTION 54957:
Title: General Manager

RETURN TO OPEN SESSION.

The Board returned to Open Session at 9:45 p.m.

Attorney Anslow announced that the Board met in Closed Session with the Recruitment Consultant and Legal Counsel pursuant to Government Code Section 54957. The Board received information and there was nothing more to report.

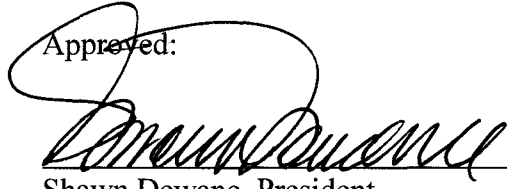
V. INFORMATION ITEMS:

A. ITEMS OF GENERAL INTEREST:

- ◆ Thank you letter from Mesa Del Mar Home Owners Association for bottled water donation, letter received 7/27/09.

President Dewane adjourned the meeting at 9:45 p.m. to an adjourned regular Board meeting to be held on Tuesday, August 18, 2009 at 7:00 p.m.

Approved:



Shawn Dewane, President



Coleen L. Monteleone, District Secretary

Recording Secretary: Sharon D. Brimer