



*Dedicated to  
Satisfying our Community's  
Water Needs*

**AGENDA  
MESA WATER DISTRICT  
EXECUTIVE COMMITTEE MEETING  
TUESDAY, JANUARY 9, 2018 AT 3:30 PM  
PANIAN CONFERENCE ROOM**

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Committee Members: Jim Atkinson, President  
Fred R. Bockmiller, P.E., Vice President  
Paul E. Shoenberger, P.E., General Manager  
Denise Garcia, Administrative Services Manager

**PUBLIC COMMENTS**

**Non-Agendized Matters:** Members of the public are invited to address the Board on matters which are not on the Agenda. Each speaker is limited to three (3) minutes. The Board will set aside thirty (30) minutes for public comments.

**Agendized Matters:** 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 five (5) minutes.

**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.*

None

**PRESENTATION AND DISCUSSION ITEMS:**

*Items recommended for approval at this meeting may be agendized for approval at a future Board meeting.*

1. Board Meeting Schedule
2. Procedures for Board Minutes
3. Procedures for Meetings of the Board of Directors
4. Board Workshop Planning
5. Safety Event
6. Staffing Update

**REPORTS:**

7. Future Agenda Topics and Conference Schedule
8. Report of the General Manager
9. Directors' Reports and Comments

**INFORMATION ITEMS:**

10. Other (no enclosure)



## **ACTION ITEMS:**

### **11. CLOSED SESSION:**

#### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

Pursuant to California Government Code Sections 54956.9 (d) (1) and 54954.5 (c)

Case: *Costa Mesa Sanitary District v. Mesa Water District*

Case No. 30-2017-00923819-CU-PT-CJC

#### **RETURN TO OPEN SESSION.**

*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](http://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**



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## MEMORANDUM

TO: Executive Committee  
FROM: Paul E. Shoenberger, P.E., General Manager  
DATE: January 9, 2018  
SUBJECT: Board Meeting Schedule

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### RECOMMENDATION

Reschedule the Thursday, May 10, 2018 regular Board of Directors' meeting to Thursday, May 3, 2018.

### 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/DISCUSSION

None.

### DISCUSSION

The regular Board meeting scheduled for Thursday, May 10, 2018, occurs simultaneously with the Association of California Water Agencies' Spring Conference to be held in Monterey, California. Due to an anticipated lack of a quorum, staff recommends rescheduling the May Board meeting to Thursday, May 3, 2018 at 6:00 p.m.

### FINANCIAL IMPACT

None.

### ATTACHMENTS

None.



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## MEMORANDUM

TO: Executive Committee  
FROM: Paul E. Shoenberger, P.E., General Manager  
DATE: January 9, 2018  
SUBJECT: Procedures for Board Minutes

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### RECOMMENDATION

This item is provided for discussion only.

### 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/DISCUSSION

None.

### DISCUSSION

This item has been agendaized at the request of the Executive Committee.

Staff has researched all District records regarding the review of minutes. Historically, there is no record of meeting minutes being reviewed by the Executive Committee; final sets of minutes are completed and included in the packet of an upcoming Board meeting for approval and signature. Sporadically, at the request of an individual Board member, specific minutes have been requested to be reviewed in further detail.

Staff will provide a verbal update at the Executive Committee meeting.

### FINANCIAL IMPACT

None.

### ATTACHMENTS

None.



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MEMORANDUM

TO: Executive Committee  
FROM: Denise Garcia, Administrative Services Manager  
DATE: January 9, 2018  
SUBJECT: Procedures for Meetings of the Board of Directors

RECOMMENDATION

Recommend that the Board of Directors adopt Resolution No. XXXX, Adopting Procedures for Meetings of the Board of Directors, Superseding Resolution No.1456.

STRATEGIC PLAN

Goal #3: Be financially responsible and transparent.

PRIOR BOARD ACTION/DISCUSSION

At its December 5, 2017 meeting, the Executive Committee suggested updates to Resolution No. 1456, Adopting Procedures for Meetings of the Board of Directors.

At its March 21, 2015 meeting, the Board of Directors (Board) adopted Resolution No. 1456, Adopting Procedures for Meetings of the Board of Directors.

DISCUSSION

The following is a summary of the suggested updates to be made to Resolution No. 1456:

APPENDIX A

I. GENERAL

E. Definitions.

Added Language:

Board Member – *means an elected or appointed Director from one of the five divisions of Mesa Water District...*

Staff – *...(or equivalent officers if designated with different titles).*

New Definitions:

Executive Committee – *shall mean a standing committee comprised solely of less than a quorum of the Board of Directors (President and Vice President).*

Teleconferencing – *means a meeting of the legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.*

The definition for Legal Counsel was removed as it is no longer referred to in this resolution.

II. TIME AND PLACE OF BOARD MEETINGS

C. Workshop Meetings.

Added Language: *Workshop meetings may be conducted as regular meetings, adjourned regular meetings or special meetings of the Board.*

F. Emergency Meetings. (New Section)



The Board reserves the right to call and conduct emergency meetings as provided for pursuant to Government Code Section 54956.5 under such circumstances as are described in that statute.

I. Teleconferencing. (New Section)

The Board reserves the right to conduct meetings involving a teleconference. All Board meetings which involve one or more teleconferences shall conform to the requirements of Government Code 54953.

III. STRUCTURE OF BOARD MEETINGS

A. Order of Business.

Action Items was reordered to be taken after the Consent Calendar and Closed Session(s) was reordered to be taken after Reports.

B. Public Comments.

2a. Added Language: *(unless a physical disability prevents a member of the public from utilizing the podium).*

2b. Added language: *(unless the President grants additional time to a speaker with consensus of the majority of the Board).*

2c. Added Language: *Public comments presented at the beginning of the meeting on items not appearing on that meeting's agenda will be limited to no more than 30 minutes total for all speakers (subject to the Board granting additional time in light of circumstances).*

2d. Added Language: *and with consensus of the majority of the Board.*

2e. Removed Language: *...on agendized relating to specific agenda items shall be limited to five minutes per speaker on any particular item...*

*Added Language: regarding items on the agenda for that Board meeting will be limited to no more than 60 minutes total for all speakers. This time limit may be extended by the Board President and with consensus of the majority of the Board.*

C. Items to be Added to the Agenda.

(First Paragraph)

Added Language: *for a regular or adjourned regular meeting of the Board...*

1. Added Language: *or a special meeting of the Board...*

2. Removed language: *Upon finding the above two conditions to be true, the Board, by two-thirds of the total voting Board Members, or if two-thirds of the voting Board Members are not present, by unanimous vote of those Board Members present, must take action to make the determination that a need for immediate action exists.*

(Second Paragraph)

Added Language: *The foregoing determinations require the vote of four of the Board Members, or if four of the Board Members are not present, by a unanimous vote of those Board Members present for the item to be placed on the agenda for the applicable meeting of the Board. Items may not be added to the agenda in the case of a special meeting of the Board.*

(Third Paragraph)

Added Language: *Upon making the foregoing determinations, the Board may then choose to consider and/or take action(s) on the referenced item at such point in the agenda as the Board shall direct.*



H. Resolved Items.

Added Language: *appear on the agenda for a Board meeting for reconsideration for the period of one year. The Executive Committee may place such items on an agenda or such items may be placed on an agenda by action of a majority of the Board.*

M. Transcribing Minutes.

(Third Paragraph)

Added Language: *any recordings made by Mesa Water which are...*

Removed Language: *deleted following the occurrence of both the following events: 1) The transcribed minutes shall have been approved by the Board: and 2) At Least...*

Added Language: *erased or destroyed after...*

IV. RULES OF ORDER

B. Determination of Acting President.

(Second Paragraph)

Added Language: *If the Immediate Past President is not present at such meeting, the Board members in attendance shall determine which of their members shall act as President for such meeting.*

C. Actions of the Board.

(First Paragraph)

Added Language: *Voting on all matters by the Board shall conform to the requirements of the Brown Act and secret balloting or voting shall not be permitted. Unless a vote is unanimous on an item with all Directors present and voting, the votes for, against, absent or abstain as to a matter shall be recorded and listed in the minutes for such Board meeting as required under Water Code Section 30526.*

In addition to general formatting and grammatical changes, legal updates were also made to this resolution to reflect any changes to Governmental Codes.

LEGAL REVIEW

Staff worked with Mesa Water's General Legal Counsel on the update of this resolution.

FINANCIAL IMPACT

None.

ATTACHMENTS

Attachment A: Draft – Resolution No. XXXX, Procedures for Meetings of the Board of Directors  
Attachment B: Redline – Resolution No. 1456, Procedures for Meetings of the Board of Directors

**RESOLUTION NO. XXXX**

**RESOLUTION OF THE  
MESA WATER DISTRICT BOARD OF DIRECTORS  
ADOPTING PROCEDURES FOR MEETINGS  
OF THE BOARD OF DIRECTORS,  
SUPERSEDING RESOLUTION NO. 1456**

WHEREAS, the 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, the Board of Directors (Board) is authorized, pursuant to California Water Code Section 30530, to adopt procedures regarding meetings of the Board; and

WHEREAS, the Board has previously adopted Resolution No. 1456, which fixed the time, day, and place of regular meetings of the Board and set forth specific procedures regarding meetings of the Board; and

WHEREAS, the Board deems it desirable to update and revise the specific meeting procedures previously adopted by the Board whilst complying with State law.

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

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The procedures for meetings of the Mesa Water District Board, as set forth in Appendix A hereto, are hereby adopted, to be effective from and after February 9, 2018.

**Section 3.** Resolution No. 1456 shall be superseded by this Resolution upon the adoption hereof.

ADOPTED, SIGNED AND APPROVED this 8<sup>th</sup> day of February 2018 by a roll call vote.

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

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Jim Atkinson  
President, Board of Directors

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Denise Garcia  
District Secretary  
Resolution No. XXXX



## APPENDIX A

### RESOLUTION NO. XXXX

#### RESOLUTION OF THE MESA WATER DISTRICT BOARD OF DIRECTORS ADOPTING PROCEDURES FOR MEETINGS OF THE BOARD OF DIRECTORS, SUPERSEDING RESOLUTION NO. 1456

##### I. GENERAL

- A. Adoption, Application and Purpose. This policy, Meetings of the Board of Directors (Policy), is adopted pursuant to Water Code Section 30530. The content of this Policy is generally declarative of existing procedures and is intended to be integrated as part of Mesa Water District's (Mesa Water®) policies and directives. The purpose of this Policy is to allow the Mesa Water Board of Directors (Board) to conduct its meetings in an efficient and organized manner.
- B. Compliance with California Law. This Policy is enacted in accordance with existing and applicable California Law including the provisions of the Ralph M. Brown Act (being California Government Code Sections 54950 *et seq.*, "Brown Act") and the County Water District Law. It is the intention of the Board, by adopting this Policy, to observe the requirements and provisions of the Brown Act. It is the intention of the Board that this Policy shall not conflict with California laws or regulations. Although State laws and regulations are not generally restated in this Policy, it is intended that this Policy will be in addition to, or clarifications of, existing California Law. To the extent of future legislative changes or judicial interpretations, applicable hereto, this Policy shall be deemed, or shall actually be, modified accordingly. For purposes of citing particular laws, statutes, or regulations, the phrase "but not limited to" is implied and operative.
- C. Future Amendments. The Board hereby reserves the right to formally amend this Policy in the future as may be determined to be necessary or appropriate due to conditions, circumstances, future legislative changes, judicial interpretations, or laws and regulations, which may affect this Policy.
- D. Exceptions to Policy. It should be understood that all of the provisions of this Policy are subject to determination(s) by the Board, on a case-by-case basis, and without setting or establishing any precedent, to make exceptions to this Policy where such may be determined by the Board to be necessary or desirable. Such action(s) shall occur at the direction or pleasure of the Board

based upon such circumstances and factors as the Board shall determine to be appropriate.

- E. Definitions. Unless otherwise defined herein, the following definitions shall apply for purposes of the interpretation and implementation of this Policy:

**Board** – means the Board of Directors of Mesa Water.

**Board Member** – means an elected or appointed Director from one of the five divisions of Mesa Water District once that person takes office.

**Brown Act** – shall mean the Ralph M. Brown Act being Government Code Sections 54950 *et seq.*

**Executive Committee** – shall mean a standing committee comprised solely of less than a quorum of the Board of Directors (President and Vice President).

**General Manager** – shall mean the General Manager of the Mesa Water District as appointed pursuant to Water Code Section 30540(a).

**Immediate Past President** – shall mean the person who served the prior term as President of the Board as elected pursuant to Water Code Section 30520.

**May** – use of the word “may” indicates the referenced action is discretionary.

**Mesa Water®** – shall mean the Mesa Water District, a county water district.

**Policy** – shall mean this Mesa Water District Policy for Meetings of the Board of Directors.

**President** – shall mean the President of the Board as elected pursuant to Water Code Section 30520.

**Public** – shall mean members of the public as that term is generally defined in the Brown Act.

**Secretary** or **District Secretary** – shall mean the Secretary of the Mesa Water District as appointed pursuant to Water Code Section 30540(a).

**Shall** – use of the word “shall” indicates the referenced action is mandatory.

**Staff** – shall mean staff members of the Mesa Water including the General Manager, Secretary and Treasurer (or equivalent officers if designated with different titles).

**Teleconferencing** – means a meeting of the legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

**Vice President** – shall mean the Vice President of the Board as elected pursuant to Water Code Section 30520.

- F. References to action of the Board shall generally mean action by, or concurrence of, a majority of the Board (i.e., at least three Board Members).

## **II. TIME AND PLACE OF BOARD MEETINGS**

- A. Regular Meetings. Pursuant to Water Code Section 30521, the time and place for regular meetings of the Board shall be established by resolution adopted by the Board. Regular board meetings are currently held on the second Thursday of each month at 6:00 p.m. at Mesa Water's office located at 1965 Placentia Avenue, Costa Mesa, California. The Board may change the time and place of its meetings as it shall determine to be appropriate.
- B. Open Public Meetings. Pursuant to Water Code Section 30529, all meetings of the Board, except as may be permitted under the Brown Act, shall be open to the public. It shall be the general policy of the Board that regular board meetings shall adjourn by 10:00 p.m.
- C. Workshop Meetings. The Board may conduct workshop meetings on an as-needed basis. Such workshop meetings are Board meetings and action items can and shall be considered at such meetings. The date, time and place for such workshop meetings shall be set by the Board. Workshop meetings may be conducted as regular meetings, adjourned regular meetings or special meetings of the Board.
- D. Adjournment. Any regular meeting, or adjourned regular meeting, of the Board may be continued to a later date or time by adjournment to a date, time, and place certain as provided in the Brown Act, including meeting at other locations within Mesa Water's service area. Any such adjournment shall be at the discretion and pleasure of the Board.
- E. Special Meetings. Special board meetings may be called by the President or a majority of the Board consistent with the requirements of Government Code Section 54956. Notice of the time, place, and date for a special board meeting shall conform to the requirements of the Brown Act.
- F. Emergency Meetings. The Board reserves the right to call and conduct emergency meetings as provided for pursuant to Government Code Section 54956.5 under such circumstances as are described in that statute.

- G. Closed Sessions. The Board hereby reserves all of its rights to conduct closed sessions, at such meetings as it is determined to be appropriate and as permitted under the Brown Act.
- H. Adjourn or Recess. The Board reserves for itself the right to adjourn or recess any meeting with the purpose of maintaining or restoring order, or where other circumstances make it appropriate, and reserves its rights pursuant to Government Code Section 54957.9.
- I. Teleconferencing. The Board reserves the right to conduct meetings involving a teleconference. All Board meetings which involve one or more teleconferences shall conform to the requirements of Government Code 54953.
- J. Lack of Quorum. In the event that a quorum of the Board is not present at the time and place scheduled for a meeting, the Board Members present may adjourn such meeting to a time, place, and date specified. If all of the Board Members are absent from a regular or adjourned regular board meeting, the Secretary shall adjourn the meeting pursuant to Government Code Section 54955.

### **III. STRUCTURE OF BOARD MEETINGS**

- A. Order of Business. The Executive Committee shall determine the general order of business for Board meetings, which generally includes these items:
- 1) Call to Order
  - 2) Pledge of Allegiance
  - 3) Public Comments (see paragraph (B), below)
  - 4) Items to be Added, Removed or Reordered on the Agenda (see paragraphs C,D and E, below)
  - 5) Consent Calendar
    - Board Schedule
  - 6) Action Items
  - 7) Presentation and Discussion Items
  - 8) Reports
  - 9) Closed Session(s)
  - 10) Information Items
  - 11) Adjournment
- B. Public Comments.
1. Pursuant to Government Code Section 54954.3(b), the Board hereby determines that reasonable limitations on public comments are necessary in order for the Board to conduct its business within a reasonable time

frame. The right of the public to make comments to the Board must be balanced with the Board's need to have adequate time to consider and take action on items before it.

2. The following procedures and limitations shall apply to public comments:
  - a. Public comments shall be made from the podium provided (unless a physical disability prevents a member of the public from utilizing the podium).
  - b. Public comments shall be limited to three minutes per speaker (unless the President grants additional time to a speaker with consensus of the majority of the Board).
  - c. Public comments presented at the beginning of the meeting on items not appearing on that meeting's agenda will be limited to no more than 30 minutes total for all speakers (subject to the Board granting additional time in light of circumstances).
  - d. Additional time for public comments regarding items not on the agenda may be provided at the end of the Board meeting, if time permits and with consensus of the majority of the Board.
  - e. Public comments regarding items on the agenda for that Board meeting will be limited to no more than 60 minutes total for all speakers. This time limit may be extended by the President with consensus of the majority of the Board.

3. The following notations, which may be changed from time to time, shall be set forth on meeting agendas:

Items not on the Agenda: Members of the public are invited to address the Board on 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.

- C. Items to be Added to the Agenda. The Board may add an item to the agenda for a regular or adjourned regular meeting of the Board after the agenda has been posted, only if the following two conditions are determined by the Board to be true:

1. The Board determines that there is a need for immediate action on an item which cannot reasonably wait for the next regularly scheduled meeting or a special meeting of the Board; and
2. The Board determines that the need for immediate action came to the attention of the Board or Mesa Water staff after the applicable agenda had been posted.

The foregoing determinations require the vote of four of the Board Members, or if four of the Board Members are not present, by a unanimous vote of those Board Members present for the item to be placed on the agenda for the applicable meeting of the Board. Items may not be added to the agenda in the case of a special meeting of the Board.

Upon making the foregoing determinations, the Board may then choose to consider and/or take action(s) on the referenced item at such point in the agenda as the Board shall direct.

- D. Items to be Removed from the Agenda. Any Board Member or the General Manager may remove any item of business from a meeting agenda, unless a majority of the Board objects.
- E. Reordering of the Agenda. Any Board Member may request a change the order of business at any time during the meeting, which shall be granted unless a majority of the Board objects.
- F. Consent Calendar. Any item of business may be removed from the Consent Calendar by any Board Member, the General Manager or member of the public to permit separate discussion. Such discussion and voting shall take place during the period for Consent Calendar items.
- G. Continue or Table Items. The Board may, by action of a majority of its members, continue or table action on any particular item.
- H. Resolved Items. Any item, which has previously been reviewed, discussed, and acted upon by the Board, by way of motion, resolution, ordinance, or assigned and completed by staff shall not appear on the agenda for a Board meeting for reconsideration for the period of one year. The Executive Committee may place such items on an agenda or such items may be placed on an agenda by action of a majority of the Board.
- I. Adding items to the Agenda. The Secretary shall maintain, and present to the Board on a regular basis, an advance schedule of Board meeting topics. The Executive Committee and staff shall determine the agenda for each Board meeting. Any request for the inclusion of an item(s) to a Board meeting agenda by any Board member or member of the public shall be addressed to

the Board President who shall bring the item(s) to the Executive Committee for scheduling. Such item(s) shall be scheduled for the next available board meeting unless the Executive Committee determines otherwise and notifies the Board member of the reason. The Board specifically reserves the right to change that schedule, or to direct that a item be placed on the agenda of a particular Board meeting. Placing any item on the agenda for the Board's consideration is subject to override by majority action of the Board.

- J. Reports from Closed Session. The Board reserves its right to conduct closed sessions as permitted by the provisions of the Brown Act. The Board also reserves its right to give directives and make decisions in closed sessions as permitted by the Brown Act. Notwithstanding paragraph M. below (Closed Sessions Regarding Personnel Matters), it shall be the policy of the Board to make reports of decisions made in closed sessions in open session as permitted and/or required under the provisions of the Brown Act. For matters or issues where decisions cannot be made in closed session, or where the Board so determines, such decisions shall be made in open session. Where reports are made from closed session pursuant to the Brown Act, or where action(s) is taken in open session, a record of such report(s) shall be made, or action(s) taken, which shall be set forth in the minutes of such meeting.
- K. Closed Sessions Regarding Personnel Matters. It shall be the policy of the Board that matters relating to Mesa Water personnel generally shall not be discussed in open session in regard to performance evaluations and reviews, personnel records, disciplinary proceedings and similar matters. In the event the Board conducts a closed session pursuant to the applicable provisions of the Brown Act for the evaluation of performance, or similar matters relating to Mesa Water staff, Mesa Water will not make a report from closed session in regard to such personnel matters unless, and until, required under State law.
- L. Minutes. The Board hereby directs that minutes of all Board meetings (except for closed sessions during which no minutes shall be taken unless otherwise directed by the Board) shall be prepared by the District Secretary. Such minutes shall include a record of all votes of the Board pursuant to Water Code Section 30526. Upon completion, minutes of all such meetings shall be returned to the Board for review and approval.
- M. Transcribing Minutes. The Board hereby finds that additional means of preparing and transcribing the minutes, including recordings, may be used by the Secretary. It is hereby the directive and determination of the Board that such recordings are not the official minutes or transcripts of such Board meetings.

Any such recordings of any Board meeting made by Mesa Water shall be subject to the provisions of Government Code Section 54953.5(b), or any successor section thereto.

Further, it shall be the directive and policy of the Board that any recordings made by Mesa Water which are used to assist the Secretary in transcribing the minutes of Board meetings shall be erased or destroyed after 30 days have elapsed since the date of the meeting at which such recording was made.

#### IV. RULES OF ORDER

- A. President. It shall be the policy of the Board that the President shall preside over meetings of the Board where the President is present. The public, Board Members, the General Manager, and staff shall direct questions and comments to, or through, the President.
- B. Determination of Acting President. In the absence of the President, the Vice President shall preside over the meeting. In such case, the Vice President shall be the acting President and shall have all powers vested in the President.

In the absence of both the President and the Vice President at a Board meeting, where a meeting includes a quorum of the Board, the Immediate Past President shall act as the acting President for purposes of that Board meeting. The Immediate Past President will have the power of acting President for that meeting. If the Immediate Past President is not present at such meeting, the Board members in attendance shall determine which of their members shall act as President for such meeting.

- C. Actions of the Board. Pursuant to Water Code Section 30523, the Board shall take formal action by way of ordinance, resolution or motion. The Board may also act informally as to matters of procedure, scheduling and similar matters by directive to staff or by concurrence of the Board with Board or staff recommendations. Voting on all matters by the Board shall conform to the requirements of the Brown Act and secret balloting or voting shall not be permitted. Unless a vote is unanimous on an item with all Directors present and voting, the votes for, against, absent or abstain as to a matter shall be recorded and listed in the minutes for such Board meeting as required under Water Code Section 30526.
- D. Robert's Rules of Order. The Board hereby references, without adopting, Robert's Rules of Order as a general guide for procedural matters where such rules may help it more efficiently conduct business at meetings of the Board. However, these Rules of Order shall not be binding on the proceedings of the Board.



## V. DOCUMENTATION

A. Posting Agendas. Pursuant to the requirements of Government Code Section 54954.2, the District Secretary shall post, or cause to be posted, notices of Board meetings and/or agendas for all regular, adjourned regular and special meetings of the Board at Mesa Water's business office located at 1965 Placentia Avenue, Costa Mesa, California. The Secretary may also post agendas, as time permits, at other publicly accessible locations within Mesa Water's service area.

B. Disability-Related Modifications or Accommodations. The following notation shall be set forth on the agendas for all Board meetings open to the public:

"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 telephone - (949) 631-1206. Notification 48 hours prior to the meeting will enable Mesa Water to make reasonable arrangements to accommodate your requests."

C. Distribution of Documentation. Documentation and other materials relating to the board meeting agenda items shall be distributed to all Board Members in advance of the board meeting whenever possible. In such regard, Mesa Water shall comply with the requirements of Government Code Section 54957.5.

1. The following notation shall be set forth on the agendas for all meetings open to the public:

"Agenda materials that are public records, which have been distributed to a majority of the Mesa Water Board of Directors, 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](http://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."

2. It shall be the general policy of the Board that documentation furnished to any one Board Member shall also be furnished to, or offered to, all of the remaining Board Members.

Documentation furnished to Board Members relative to agenda items may be furnished without cost to members of the public upon request. However, the Board specifically reserves the right, in accordance with California Law, including Government Code Sections 6257 and 54957.5,

to impose reasonable and necessary charges relative to the furnishing of such documentation at such time as the Board determines that it is appropriate or necessary to do so.

- D. Introduced Documents. On occasion, a member of the public or a Board Member introduces a document during a Board meeting. To the extent that it is possible and reasonable to do so, the Board may, at its discretion, after consulting with the District Secretary, provide for copying and redistribution of such document(s) to other interested members of the public during such meeting. However, it is specifically noted that redistribution of such documentation may not be feasible or practical during such meeting. The Board reserves its right, by way of a majority vote of the Board, on a case-by-case basis, to take such action or to make such documentation available after the conclusion of such meeting pursuant to Mesa Water's Public Records Act Policy.
- E. Public Records Requests. It is the Board's policy to respond to informational requests in a reasonable manner and to comply with the provisions of the California Public Records Act. Further, it is the finding and determination of the Board that Mesa Water's business needs be conducted in an efficient manner in terms of allocation of staff time and other resources.

Confidential or privileged records that by law may not be disclosed are ***not*** subject to disclosure under the California Public Records Act.

- F. Disclosure of Closed Session Information.
1. Confidential information (e.g., all hand-written, printed, copied, electronic files or documents, and data, as well as spoken information) received, acquired by, or made available to anyone that pertains to closed sessions held pursuant to the Brown Act, shall not be disclosed to anyone not entitled to receive it. (Government Code Sections 1098 and 54963)
  2. Any Board or staff member shall not willfully and knowingly disclose for pecuniary gain, to any other person, confidential information acquired by him or her in the course of his or her official duties. (Government Code Section 1098)

**RESOLUTION NO. ~~1456XXXX~~**

**RESOLUTION OF THE  
MESA WATER DISTRICT BOARD OF DIRECTORS  
ADOPTING PROCEDURES FOR MEETINGS  
OF THE BOARD OF DIRECTORS,  
SUPERSEDING RESOLUTION NO. ~~14271456~~**

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

WHEREAS, the Board of Directors (Board) is authorized, pursuant to State California Water Code Section 30530, to adopt procedures regarding meetings of the Board; and

WHEREAS, the Board has~~d~~ previously adopted Resolution No. ~~1427-1456~~, which fixed the time, day, and place of regular board meetings of the Board and set forth specific procedures regarding meetings of the Board; and

WHEREAS, the Board ~~views it as appropriate deems it desirable necessary to update and~~ revise the specific meeting procedures previously adopted by the Board whilst complying with, ~~keeping in mind the requirements of State law and applicable requirements.~~

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

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The procedures for meetings of the Mesa Water District Board ~~of Directors~~, as set forth in Appendix A hereto, are hereby adopted, to be effective from and after, ~~March 21~~ February 9<sup>th</sup>, 2015/2018.

**Section 3.** Resolution No. 1456 shall be superseded by this Resolution upon the adoption hereof.

ADOPTED, SIGNED AND APPROVED this ~~21<sup>st</sup>-8<sup>th</sup> th~~ day of ~~March-February 2015-2018~~ by a roll call vote.

AYES:	DIRECTORS:	<del>Fisler, Dewane, Temianka</del>
NOES:	DIRECTORS:	<del>Atkinson, Bockmiller</del>
ABSENT:	DIRECTORS:	
ABSTAIN:	DIRECTORS:	

~~Shawn Dewane~~ Jim Atkinson  
President, Board of Directors

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

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## APPENDIX A

### RESOLUTION NO. ~~1456XXXX~~

#### RESOLUTION OF THE MESA WATER DISTRICT BOARD OF DIRECTORS ADOPTING PROCEDURES FOR MEETINGS OF THE BOARD OF DIRECTORS, SUPERSEDING RESOLUTION NO. ~~14271456~~

##### I. GENERAL MATTERS

- A. Adoption, Application and Purpose. This policy, Meetings of the Board of Directors (Policy), is adopted pursuant to Water Code Section 30530. The content of this Policy is generally declarative of existing procedures and is intended to be integrated as part of ~~Mesa Water~~Mesa Water District's (Mesa Water®) policies and directives. The purpose of this Policy is to allow the Mesa Water® Board of Directors (Board) to conduct its meetings in an efficient and organized manner.
- B. Compliance with California Law. This Policy is enacted in accordance with existing and applicable California Law ~~including, but not limited to,~~ ~~the~~including the provisions of the Ralph M. Brown Act (being California Government Code Sections 54950 *et seq.*, "Brown Act") and the County Water District Law~~Act~~. It is the intention of the Board, by adopting this Policy, to observe the requirements and provisions of the Brown Act. It is the intention of the Board that this Policy shall not conflict with California State laws or regulations. Although State laws and regulations are not generally restated in this Policy, it is intended that this Policy will be in addition to, or clarifications of, existing California Law. To the extent of future legislative changes or judicial interpretations, applicable hereto, this Policy shall be deemed, or shall actually be, modified accordingly. For purposes of citing particular laws, statutes, or regulations, the phrase "but not limited to" is implied and operative.
- C. Future Amendments. The Board hereby reserves the right to formally amend this Policy in the future as may be determined to be necessary or appropriate due to conditions, circumstances, future legislative changes, judicial interpretations, or laws and regulations, which may affect this Policy.

##### ~~C.~~ Exceptions to Policy.

##### ~~D.~~

It should be understood that all of the provisions of this Policy are subject to determination(s) by the Board, on a case-by-case basis, and without setting or establishing any precedent, to make exceptions to this Policy where ~~such~~

may be determined by the Board to be necessary ~~and-or~~ desirable. Such action(s) shall occur at the direction or pleasure of the Board based upon such circumstances and factors as the Board shall determine to be appropriate.

D.

E.

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Definitions. Unless otherwise defined herein, the following definitions shall apply for purposes of the interpretation and implementation of this Policy:

**Board** – means the Board of Directors of ~~the Mesa Water District.~~

**Board Member** – means an elected or appointed Director from one of the five divisions of Mesa Water District ~~member of the Board of Directors of the Mesa Water District~~ once that person takes office.

**Brown Act** – shall mean the ~~provisions of the~~ Ralph M. Brown Act being Government Code Sections 54950 *et seq.*

**Executive Committee** – shall mean a standing committee comprised solely of less than a quorum of the Board of Directors (President and Vice President).

**General Manager** – shall mean the General Manager of the Mesa Water District as appointed pursuant to Water Code Section 30540(a).

**Immediate Past President** – shall mean the person who served the prior term as President of the Board as elected pursuant to Water Code Section 30520.

~~**Legal Counsel** – shall mean the Mesa Water District General Legal Counsel as retained by the Board of Directors pursuant to Water Code Section 30544.~~

**May** – use of the word “may” indicates the referenced action is discretionary.

**Mesa Water®** – shall mean the Mesa Water District, a county water district.

**Policy** – shall mean this Mesa Water District Policy for Meetings of the Board of Directors.

**President** – shall mean the President of the Board as elected pursuant to Water Code Section 30520.

**Public** – shall mean members of the public as that term is generally defined in the Brown Act.

**Secretary** or **District Secretary** – shall mean the Secretary of the Mesa Water District as appointed pursuant to Water Code Section 30540(a).

**Shall** – use of the word “shall” indicates the referenced action is mandatory.

**Staff** – shall mean staff members of the Mesa Water ~~District~~ including ~~, but not limited to,~~ the General Manager, Secretary, and Treasurer (or equivalent officers if designated with different titles).

**Teleconferencing** – means a meeting of the legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

**Vice President** – shall mean the Vice President of the Board as elected pursuant to Water Code Section 30520.

- F. References to action of the Board shall generally mean action by, or concurrence of, a majority of the Board (i.e., **at least** three Board Members).

## II. TIME AND PLACE OF BOARD MEETINGS

- A. Regular Meetings. Pursuant to Water Code Section 30521, the time and place for regular ~~board~~ meetings **of the Board** shall be established by resolution adopted by the Board. Regular board meetings are **currently** held on the second Thursday of each month at 6:00 p.m. at Mesa Water's office located at 1965 Placentia Avenue, Costa Mesa, California. The Board ~~reserves the right to may~~ change the time and place of its ~~board~~ meetings, ~~in accordance with California Law,~~ as it shall determine to be appropriate.
- B. Open Public Meetings. Pursuant to Water Code Section 30529, all meetings of the Board, except as may be permitted under the Brown Act, shall be open to the public. It shall be the general policy of the Board that regular board meetings shall adjourn by 10:00 p.m.
- C. Workshop Meetings. The Board may conduct ~~meeting~~ workshop **meetings** on an as-needed basis. Such workshop meetings are Board meetings and action items can and shall be considered at such meetings. The date, time, and place for such workshop meetings shall be ~~set established~~ by the Board. **Workshop meetings may be conducted as regular meetings, adjourned regular meetings or special meetings of the Board.**
- D. Adjournment. Any regular meeting, or adjourned regular meeting, of the Board ~~of Directors~~ may be continued **atto** a later date or time by adjournment to a date, time, and place certain as provided in the Brown Act, including ~~, but not limited to,~~ meeting at other locations within Mesa Water's service area. Any such adjournment shall be at the discretion and pleasure of the Board.
- E. Special Meetings. Special board meetings may be called by the President or a majority of the Board **consistent with the requirements of Government Code**



**Section 54956.** –Notice of the time, place, and date for a special board meeting shall conform to the requirements of the Brown Act.

**E.F. Emergency Meetings.** –The Board reserves the right to call and conduct emergency meetings as provided for pursuant to Government Code Section 54956.5 under such circumstances as are described in that statute.

**F.G. Closed Sessions.** The Board hereby reserves all of its rights to conduct closed sessions, at such meetings as it is determined to be appropriate and as permitted under the Brown Act.

**H. Adjourn or Recess.** The Board reserves for itself the right to adjourn or recess any meeting with the purpose of maintaining or restoring order, or where other circumstances make it appropriate, and reserves its rights pursuant to Government Code Section 54957.9.

**G.I. Teleconferencing.** The Board reserves the right to conduct meetings involving a teleconference. All Board meetings which involve one or more teleconferences shall conform to the requirements of Government Code 54953.

**H.J. Lack of Quorum.** In the event that a quorum of the Board is not present at the time and place scheduled for a meeting, the Board Members present may adjourn such meeting to a time, place, and date specified. If all of the Board Members are absent from a regular or adjourned regular board meeting, the Secretary shall adjourn the meeting pursuant to Government Code Section 54955.

### **III. STRUCTURE OF BOARD MEETINGS**

**A. Order of Business.** The Executive Committee shall determine the general order of business for Board meetings, which generally includes these items:

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Public Comments (see paragraph (HB), below)
- 4) Items to be Added, ~~Withdrawn-Removed~~ or Reordered on the Agenda (see paragraphs C,D; and E, below)
  
- 5) Consent Calendar
  - Board Schedule
- 6) ~~Action Items~~
- 7) Presentation and Discussion Items
- ~~8) Action Items~~
- 8) Reports

- 9) Closed Session(s)
- 10) Information Items
- 11) Adjournment

B. Public Comments.

1. Pursuant to Government Code Section 54954.3(b), the Board hereby determines that reasonable limitations on public comments are necessary in order for the Board to conduct its business within a reasonable time frame. The right of the public to make comments to the Board must be balanced with the Board's need to have adequate time to consider and take action on items before it.
2. The following procedures and limitations shall apply to public comments:
  - a. Public comments shall be made from the podium provided (unless a physical disability prevents a member of the public from utilizing the podium).
  - b. Public comments willshall be limited to three minutes per speaker (unless the President grants additional time to a speaker with consensus of the majority of the Board).
  - c. Public comments presented at the beginning of the meeting on non-agendized-items not appearing on that meeting'se agenda at the beginning of the meeting will be limited to no more than 30 minutes total for all speakers (subject to the Board granting additional time in light of circumstances).
  - d. Additional time for public comments on non-agendized-regarding items not on the agenda may be provided at the end of the Board meeting, if time permits and with consensus of the majority of the Board.
  - e. Public comments onregarding agendized relating to specific agenda items shall be limited to five minutes per speaker on any particular itemon the agenda for that Board meeting will be limited to no more than 60 minutes total for all speakers. This time limit may be extended by the President andwith consensus of the majority of the Board.
3. The following notations, which may be changed from time to time, shall be set forth on meetingthe agendas:

Non-Agendized Matters-Items not on the Agenda: Members of the public are invited to address the Board on mattersitems which are not on the agenda. Each speaker is limited to three minutes. The Board will set aside 30 minutes for public comments.

~~Agendized Matters~~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~~ five minutes. The Board will set aside 60 minutes for public comments.

~~C. Items to be Added~~Adding Items to the Agenda. The Board may add an item to the agenda for a regular or adjourned regular meeting of the Board after the agenda has been posted, only if the following two conditions are determined by the Board to be true:

~~C.~~

~~4.~~ The Board determines that there is a need for immediate action on an item which cannot reasonably wait for the next regularly scheduled meeting or a special meeting of the Board; and

~~1.~~

~~2.~~ The Board determines that the need for immediate action came to the attention of the Board or Mesa Water staff ~~the Board~~ after the applicable agenda had been posted.

~~Upon finding the above two conditions to be true, the Board, by two-thirds of the total voting Board Members, or if two-thirds of the voting Board Members are not present, by a unanimous vote of those Board Members present, must take action to make the determination that a need for immediate action exists. The foregoing determinations Such actions require the vote of four of the Board Members, or if four of the Board Members are not present, by a unanimous vote of those Board Members present for the matter~~ item to be placed on the agenda for the applicable meeting of the Board.- Items may not be added to the agenda in the case of a special meeting of the Board.

~~Upon making the foregoing determinations, the Board may then choose to consider and/or take action(s) on the referenced matter~~ item at such point in the agenda as the Board shall direct.

~~D. Removing~~ Items to be Removed from the Agenda. Any Board Member or the General Manager may remove any item of business from a meeting ~~the~~ agenda, unless a majority of the Board objects.

~~D.~~

~~E. Change of Order of Business~~ Reordering of the Agenda. Any Board Member may request a change the order of business at any time during the meeting, which shall be granted unless a majority of the Board objects.

~~E.~~

~~F.~~ Consent Calendar. Any item of business may be removed from the Consent Calendar by any Board Member, the General Manager or **member of the public** to permit separate discussion. Such discussion and voting shall take place during the period for Consent Calendar items.

F.

~~G.~~ Continue or Table Items. The Board may, by action of a majority of its members, continue or table action on any particular item.

G.

H. Resolved Items. Any item, which has previously been reviewed, discussed, and acted upon by the Board, by way of motion, resolution, ordinance, or assigned and completed by staff shall not **appear** ~~be agendized on the agenda for a Board meeting~~ for reconsideration for the period of one year. ~~The Executive Committee may place such items on the agenda or such items may be placed on the agenda by unless the item is re-agendized by the Executive Committee or by a majority~~ action of a majority of the Board.

Agendizing of Adding items to the Agenda Board Matters/Items. The Secretary shall maintain, and present to the Board on a regular basis, an advance schedule of Board meeting topics. The Executive Committee and staff shall determine the agenda for each Board meeting. Any request for **the inclusion of an item(s) to a Board meeting** agenda ~~items~~ by any Board member or member of the public shall be addressed to the Board President who shall bring the item(s) to the Executive Committee for scheduling. ~~The~~ **Such** item(s) shall be scheduled for the next available board meeting unless the Executive Committee determines otherwise and notifies the Board member of the reason. ~~The~~ Board specifically reserves the right to change that schedule, or to direct that a ~~matter~~ **item** be ~~agendized~~ **placed on the agenda** ~~offer~~ a particular Board meeting. ~~Placing any matter item on the agenda~~ **The agendizing of any matter** for the Board's consideration is subject to override by majority action of the Board.

I.

Reports from Closed Session. The Board reserves its right to conduct closed sessions, as permitted by the provisions of the Brown Act. The Board also reserves its right to give directives and make decisions in closed sessions as permitted by the Brown Act. Notwithstanding paragraph M. below (Closed Sessions Regarding Personnel Matters), it shall be the policy of the Board to make reports of decisions made in closed sessions in open session as permitted and/or required under the provisions of the Brown Act. For matters or issues where decisions cannot be made in closed session, or where the Board so determines, such decisions shall be made in open session. Where reports are made from closed session pursuant to the Brown Act, or where action(s) is taken in open session, a record of such report(s) **shall be** made, or action(s) taken, **which** shall be set forth in the minutes of such meeting.

J.

K. Closed Sessions Regarding Personnel Matters. It shall be the policy of the Board that matters relating to Mesa Water personnel generally shall not be discussed in open session in regard to performance evaluations and reviews, personnel records, disciplinary proceedings, and similar matters. In the event the Board conducts a closed session pursuant to the applicable provisions of the Brown Act for the evaluation of performance, or similar matters relating to Mesa Water@ personnelstaff, Mesa Water@ will not make a report from closed session in regard to such personnel matters unless, and until, required under State law.

H.L. Minutes. The Board hereby directs that minutes of all Board meetings (except for closed sessions during which no minutes shall be taken unless otherwise directed by the Board) shall be prepared by the District Secretary. Such minutes shall include a record of all votes of the Board pursuant to Water Code Section 30526. Upon completion, minutes of all such meetings shall be returned to the Board for review and approval.

I.M. Transcribing Minutes. The Board hereby finds that additional means of preparing and transcribing the minutes, including, ~~but not limited to,~~ recordings, may be used by the Secretary. It is hereby the directive and determination of the Board that such recordings are not the official minutes or transcripts of ~~such the~~ Board meetings.

Any such recordings of any Board meeting made by Mesa Water shall be subject to the provisions of Government Code Section 54953.5(b), or any successor section thereto.

Further, it shall be the directive and policy of the Board that any recordings made by Mesa Water which are used to assist the Secretary in transcribing the minutes of Board meetings shall be ~~deleted following the occurrence of both of the following events:~~

~~The transcribed minutes shall have been approved by the Board; and~~

~~At least erased or destroyed after 30 days have elapsed since the date of the meeting at which such recording was made.~~

#### IV. RULES OF ORDER

~~A. President~~. It shall be the policy of the Board that the President shall preside over meetings of the Board where ~~he or she~~ the President is present. The public, Board Members, the General Manager, and staff shall direct questions and comments to, ~~or through,~~ the President.

A.

~~B.~~ Determination of Acting President. In the absence of the President, the Vice President shall preside over the meeting. In such case, the Vice President shall be the acting President and shall have all powers vested in the President.

B.

In the absence of both the President and the Vice President at a Board meeting, where a meeting includes a quorum of the Board, the Immediate Past President shall act as the acting President for purposes of that Board meeting. The Immediate Past President will have the power of acting President for that meeting. ~~If the Immediate Past President is not present at such meeting, the Board members in attendance shall determine which of their members shall act as President for such meeting.~~

~~C.~~ Actions of the Board. Pursuant to Water Code Section 30523, the Board shall take formal action by way of ordinance, resolution, or motion. The Board may also act informally as to matters of procedure, scheduling and similar matters by directive to staff or by concurrence of the Board with Board or staff recommendations. ~~Voting on all matters by the Board shall conform to the requirements of the Brown Act and secret balloting or voting shall not be permitted. Unless a vote is unanimous on an item with all Directors present and voting, the votes for, against, absent or abstain as to a matter shall be recorded and listed in the minutes for such Board meeting as required under Water Code Section 30526.~~

C.

~~D.~~ Robert's Rules of Order. The Board hereby references, without adopting, Robert's Rules of Order as a general guide for procedural matters where such rules may help it more efficiently conduct ~~its~~ business at ~~board~~ meetings ~~of the Board~~. However, these Rules of Order shall not be binding on the proceedings of the Board.

D.

~~V.~~ **DOCUMENTATION**  
V.

~~A.~~ **Posting Agendas.** Pursuant to the requirements of Government Code Section 54954.2, the District Secretary shall post, or cause to be posted, **notices of Board meetings and/or** agendas for all regular, adjourned regular and special meetings of the Board at Mesa Water's business office located at 1965 Placentia Avenue, Costa Mesa, California. The Secretary may also post agendas, as time permits, at other publicly accessible locations within Mesa Water's service area.

A.

~~B.~~ **Disability-Related Modifications or Accommodations.** The following notation shall be set forth on the agendas for all **Board** meetings open to the public:

B.

"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 **telephone** - (949) 631-1206. Notification 48 hours prior to the meeting will enable Mesa Water to make reasonable arrangements to accommodate your requests."

~~C.~~ **Distribution of Documentation.** Documentation and other materials relating to the board meeting agenda items shall be distributed to all Board Members in advance of the board meeting whenever possible. In such regard, Mesa Water® shall comply with the requirements of Government Code Section 54957.5.

C.

~~1.~~ The following notation shall be set forth on the agendas for all meetings open to the public:

1.

"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](http://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."



~~2.~~—It shall be the general policy of the Board that documentation furnished to any one Board Member shall also be furnished to, or offered to, all of the remaining Board Members.

~~2.~~

~~3.~~—Documentation furnished to Board Members relative to agenda items may be furnished without cost to members of the public upon request. However, the Board specifically reserves the right, in accordance with California Law, including ~~, but not limited to,~~ Government Code Sections 6257 and 54957.5, to impose reasonable and necessary charges relative to the furnishing of such documentation at such time as the Board determines that it is appropriate or necessary to do so.

~~D.~~ Introduced Documents. On occasion, a member of the public or a Board Member introduces a document during a Board meeting. To the extent that it is possible and reasonable to do so, the Board may, at its discretion, after consulting with the District Secretary, provide for **copying and** redistribution of such document(s) to other interested members of the public during such meeting. However, it is specifically noted that redistribution of such documentation may not be feasible or practical during such meeting. The Board reserves its right, by way of a majority vote of the Board, on a case-by-case basis, to take such action or to make such documentation available after the conclusion of ~~such~~**the** meeting pursuant to Mesa Water's Public Records Act Policy.

~~D.~~

~~E.~~ Public Records Requests. It is the Board's policy to respond to informational requests in a reasonable manner and to comply with the provisions of the California Public Records Act. Further, it is the finding and determination of the Board that Mesa Water's business needs be conducted in an efficient manner in terms of allocation of staff time and other resources.

Confidential or privileged records that by law may not be disclosed are **not** subject to disclosure under the California Public Records Act.

~~E.~~ Disclosure of Closed Session Information.

~~F.~~

~~4.~~—Confidential information (e.g., all hand-written, printed, copied, electronic files or documents, and data, as well as spoken information) received, acquired by, or made available to anyone that pertains to closed sessions held pursuant to the Brown Act, shall not be disclosed to anyone not entitled to receive it. (Government Code Sections 1098 and 54963)

~~1.~~



2. Any Board or staff member shall not willfully and knowingly disclose for pecuniary gain, to any other person, confidential information acquired by him or her in the course of his or her official duties. (Government Code Section 1098)

DRAFT



*Dedicated to  
Satisfying our Community's  
Water Needs*

## MEMORANDUM

TO: Executive Committee  
FROM: Paul E. Shoenberger, P.E., General Manager  
DATE: January 9, 2018  
SUBJECT: Board Workshop Planning

---

### RECOMMENDATION

Review agenda topics and discuss planning for the March 26, 2018 Board of Directors' workshop.

### 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/DISCUSSION

None.

### DISCUSSION

At its January 11, 2018 meeting, the Board of Directors (Board) is scheduled to discuss agenda topics for the March 26, 2018 workshop to be held at the Mesa Water Reliability Facility.

For the Committee's review, the proposed agenda topics are as follows:

- Annual Measures Assessment
- Directors' Compensation and Expense Reimbursement
- Regional Water Issues
- Policy Positions
- Staffing Plan
- Strategic Plan

### FINANCIAL IMPACT

In Fiscal Year 2018, \$3,500 is budgeted for Board workshop expenses; \$829.18 has been spent to date.

### ATTACHMENTS

None.



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Satisfying our Community's  
Water Needs*

## MEMORANDUM

TO: Executive Committee  
FROM: Paul E. Shoenberger, P.E., General Manager  
DATE: January 9, 2018  
SUBJECT: Safety Event

---

### RECOMMENDATION

This item is provided for discussion only.

### 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/DISCUSSION

None.

### DISCUSSION

Mesa Water District (Mesa Water®) has a robust and successful safety program. The Board of Directors has approved the continuation of this very successful safety program and Mesa Water has enjoyed unprecedented success, achieving 1,600 days with no lost time incidents. The District has received recognition from ACWA/JPIA for outstanding performance and exceptional commitment to safety excellence. This is extraordinary given the physical nature of the maintenance and repair work performed by staff.

On January 30, 2018, the Board and staff will be invited to participate in a Safety Event in recognition of their collective achievement of reaching 1,600 days with no lost time incidents.

Staff will provide a verbal update at the Executive Committee meeting.

### FINANCIAL IMPACT

None.

### ATTACHMENTS

None.



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Satisfying our Community's  
Water Needs*

## MEMORANDUM

TO: Executive Committee  
FROM: Paul E. Shoenberger, P.E., General Manager  
DATE: January 9, 2018  
SUBJECT: Staffing Update

---

### RECOMMENDATION

This item is provided for discussion only.

### 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/DISCUSSION

At its November 2, 2017 workshop, the Board of Directors (Board) was provided information regarding staffing. The Board had questions regarding turnover and requested that staff bring additional information to a future Executive Committee meeting.

At its November 7, 2017 meeting, the Executive Committee, upon receiving the requested information, asked that staff bring additional information to a future Executive Committee meeting.

### DISCUSSION

Staff will provide a verbal update at the Executive Committee meeting.

### FINANCIAL IMPACT

None.

### ATTACHMENTS

None.



*Dedicated to  
Satisfying our Community's  
Water Needs*

## MEMORANDUM

TO: Executive Committee  
FROM: Paul E. Shoenberger, P.E., General Manager  
DATE: January 9, 2018  
SUBJECT: Future Agenda Topics and Conference Schedule

---

### RECOMMENDATION

Review future agenda topics and conference schedule.

### 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/DISCUSSION

None.

### DISCUSSION

Staff will provide an updated future agenda topics and conference schedule at the Executive Committee meeting.

### FINANCIAL IMPACT

None.

### ATTACHMENTS

None.

**REPORTS:**

8. REPORT OF THE GENERAL MANAGER:

**REPORTS:**

9. DIRECTORS' REPORTS AND COMMENTS:

There are no support materials for this item.



**ACTION ITEMS:**

11. CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

Pursuant to California Government Code Sections 54956.9 (d) (1) and 54954.5 (c)

Case: *Costa Mesa Sanitary District v. Mesa Water District*

Case No. 30-2017-00923819-CU-PT-CJC