



*Dedicated to  
Satisfying our Community's  
Water Needs*

**AGENDA  
MESA WATER DISTRICT  
EXECUTIVE COMMITTEE MEETING  
Wednesday, September 6, 2023 at 12:00 p.m.  
Panian Conference Room**

Committee Members: Shawn Dewane, President  
Marice H. DePasquale, Vice President  
Paul E. Shoenberger, P.E., General Manager  
Denise Garcia, Chief Administrative Officer

**PUBLIC COMMENTS**

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

**Items on the Agenda:** Members of the public shall be permitted to comment on agenda items before action is taken, or after the Executive Committee has discussed the item. Each speaker shall be limited to three minutes. The Executive Committee will set aside 60 minutes for public comments for items appearing on the posted agenda.

**PRESENTATION AND DISCUSSION ITEMS:**

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

None

**ACTION ITEMS:**

1. Policy for the Display of Flags
2. General Legal Counsel Services

**REPORTS:**

3. Future Agenda Topics
4. Report of the General Manager
5. Directors' Reports and Comments



*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 call the District Secretary at (949) 631-1205. 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 using 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**



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## MEMORANDUM

TO: Executive Committee  
FROM: Denise Garcia, Chief Administrative Officer  
DATE: September 6, 2023  
SUBJECT: Policy for the Display of Flags

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### RECOMMENDATION

Recommend that the Board of Directors adopt Resolution No. XXXX Adopting a Policy for the Display of Flags at District Facilities.

### STRATEGIC PLAN

Goal #7: Actively participate in regional and statewide water issues.

### PRIOR BOARD ACTION/DISCUSSION

None.

### DISCUSSION

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

Mesa Water District (Mesa Water®) displays the United States Flag and the State of California Flag at District facilities in accordance with Federal and State law. The District does not have a policy for the display of flags at District facilities. Adopting such a policy will formalize the following:

- District flagpoles are not intended to serve as a forum for free expression or speech by the public
- Only Federal and State flags shall be displayed at District facilities

### FINANCIAL IMPACT

None.

### ATTACHMENTS

Attachment A: Draft Resolution No. XXXX

## RESOLUTION NO. XXXX

### RESOLUTION OF THE MESA WATER DISTRICT BOARD OF DIRECTORS ADOPTING A POLICY FOR THE DISPLAY OF FLAGS AT DISTRICT FACILITIES

WHEREAS, 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); and

WHEREAS, Mesa Water currently displays the United States Flag and the State of California Flag at District facilities in accordance with Federal and State law; and

WHEREAS, Mesa Water does not have a policy regarding the display of flags at District facilities; and

WHEREAS, the District flagpoles are not intended to serve as a forum for free expression by the public, but rather for the display of the Flags of the United States and the State of California.

WHEREAS, the Board of Directors of Mesa Water desire to establish and adopt a policy regarding the display of the Federal and State flags at District facilities; and

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

**Section 1.** The Board of Directors (Board) of Mesa Water declares that only Federal and State flags shall be displayed at District facilities and that the display of flags shall be in accordance with Federal and State law.

**Section 2.** The Board hereby adopts this policy relating to the display of flags at District facilities.

**Section 3.** This Resolution shall be effective upon adoption by the Board.

ADOPTED, SIGNED, and APPROVED this XX day of September 2023 by a roll call vote.

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

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Shawn Dewane  
President, Board of Directors

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Denise Garcia, District Secretary



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## MEMORANDUM

TO: Executive Committee  
FROM: Paul E. Shoenberger, P.E., General Manager  
DATE: September 6, 2023  
SUBJECT: General Legal Counsel Services

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### RECOMMENDATION

Recommend that the Board of Directors amend the General Legal Services contract with Atkinson, Andelson, Loya, Ruud & Romo to revise the fee schedule, effective October 1, 2023.

### STRATEGIC PLAN

- Goal #1: Provide an abundant, local, reliable and safe water supply.
- Goal #2: Perpetually renew and improve our infrastructure.
- Goal #3: Be financially responsible and transparent.
- Goal #4: Increase favorable opinion of Mesa Water.
- Goal #5: Attract, develop and retain skilled employees.
- Goal #6: Provide excellent customer service.
- Goal #7: Actively participate in regional and statewide water issues.

### PRIOR BOARD ACTION/DISCUSSION

At its September 8, 2021 meeting, after an extensive selection process, the Board of Directors (Board) approved a five-year contract with Atkinson, Andelson, Loya, Ruud & Romo (AALRR) to provide General Legal Counsel Services, and authorized the General Manager to execute the contract.

At its July 26, 2022 Committee meeting, the Board amended the General Legal Counsel Services contract with AALRR to revise the fee schedule, effective September 1, 2022.

### DISCUSSION

AALRR currently represents Mesa Water District (Mesa Water®) as General Legal Counsel and in various legal roles.

On July 26, 2023, staff received correspondence from AALRR requesting the Board's consideration of a revised legal services fee schedule.

### FINANCIAL IMPACT

In Fiscal Year 2024, \$400,000 has been budgeted for Legal Services; \$20,540 has been spent to date with Atkinson, Andelson, Loya, Ruud & Romo.

### ATTACHMENTS

Attachment A: Atkinson, Andelson, Loya, Ruud & Romo Correspondence

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL LAW CORPORATION

ATTORNEYS AT LAW

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IRVINE, CALIFORNIA 92618-3371  
(949) 453-4260

FAX (949) 453-4262  
WWW.AALRR.COM

CERRITOS

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FRESNO

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PASADENA

(626) 583-8600

PLEASANTON

(925) 227-9200

RIVERSIDE

(951) 683-1122

SACRAMENTO

(916) 923-1200

SAN DIEGO

(858) 485-9526

OUR FILE NUMBER:

006315.00001

41910494.1

July 26, 2023

**VIA E-MAIL & U.S. MAIL**

Mr. Shawn Dewane, Board President  
& Members of the Board of Directors  
Mesa Water District  
1965 Placentia Ave.  
Costa Mesa, CA 92627

Mr. Paul Shoenberger, P.E., General Manager  
Mesa Water District  
1965 Placentia Ave.  
Costa Mesa, CA 92627

Re: Mesa Water District - Request for Consideration of Revised Fees for General  
Legal Services

Dear Shawn, Members of the Board & Paul:

Our Firm is appreciative of the confidence that the Mesa Water District ("Mesa Water") Board of Directors has shown in us through the retention of our Firm to serve as Mesa Water's General Legal Counsel. As we are sure Mesa Water is aware, recent inflationary trends have impacted prices of goods and services throughout the United States, including, but not limited to the Orange County area, which has impacted the products and services that Atkinson, Andelson, Loya, Ruud & Romo ("Firm"), obtains or uses as part of providing our legal services to Mesa Water. Examples of recent cost impacts to the Firm include increased staffing costs (including benefits costs such as medical coverage) of 14% over the past two years, increased associate attorney costs of 8% over the year, non-exempt staff costs increased on average person of 11% over the past 18 months, increased rental and utilities costs and similar cost impacts as a result of recent cost inflation.

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

Mr. Shawn Dewane, Board President  
Members of the Board of Directors  
Mr. Paul Shoenberger, P.E., General Manager  
Mesa Water District  
July 26, 2023  
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In order to keep pace with the pace of inflation, it is our request that the Board consider the following revised rates for the provision of general legal services by our Firm to Mesa Water:

	<u>Existing Rates</u>	<u>Proposed Rates</u>
Partners	\$285.00 per hour	\$300.00 per hour
Senior Associates	\$270.00 per hour	\$280.00 per hour
Associates	\$255.00 per hour	\$265.00 per hour
Law Clerks	\$145.00 per hour	\$150.00 per hour
Paralegals	\$145.00 per hour	\$150.00 per hour

We would also propose that the cap for legal services billings for Regular Board meetings be removed.

In reviewing the proposed legal rates for general legal services provided by other similar public agencies within Orange County, we believe that the proposed rates are reasonable, and are in fact, below the rates charged for similar legal services to a number of public agencies within the County.

We are proposing that, if approved by the Board, that the new rates would be effective for services rendered on or after September 1, 2023.

As always, it has been our pleasure serving Mesa Water for so many years and we look forward to continuing to do so well into the future. If you have specific questions with regard to the increases in goods and services which the Firm is required to obtain and utilize as part of providing services to Mesa Water we would be most pleased to provide that information to you.

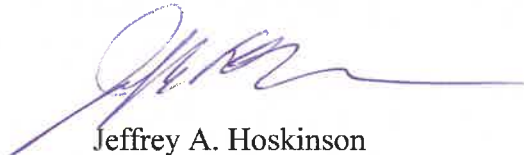
Thank you very much for your consideration in regard to this matter.

Sincerely,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO



Robert E. Anslow



Jeffrey A. Hoskinson



Wendy Wiles

REA/JAH/WHW:tlb



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## MEMORANDUM

TO: Executive Committee  
FROM: Paul E. Shoenberger, P.E., General Manager  
DATE: September 6, 2023  
SUBJECT: Future Agenda Topics

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### RECOMMENDATION

Review future agenda topics.

### STRATEGIC PLAN

- Goal #1: Provide an abundant, local, reliable and safe water supply.
- Goal #2: Perpetually renew and improve our infrastructure.
- Goal #3: Be financially responsible and transparent.
- Goal #4: Increase favorable opinion of Mesa Water.
- Goal #5: Attract, develop and retain skilled employees.
- Goal #6: Provide excellent customer service.
- Goal #7: Actively participate in regional and statewide water issues.

### PRIOR BOARD ACTION/DISCUSSION

None.

### DISCUSSION

Staff will provide a list of future agenda topics at the Executive Committee meeting.

### FINANCIAL IMPACT

None.

### ATTACHMENTS

None.



**REPORTS:**

4. REPORT OF THE GENERAL MANAGER

**REPORTS:**

5. DIRECTORS' REPORTS AND COMMENTS