



*Dedicated to
Satisfying our Community's
Water Needs*

**AGENDA
MESA WATER DISTRICT
BOARD OF DIRECTORS
Wednesday, August 14, 2024
1965 Placentia Avenue, Costa Mesa, CA 92627
4:30 p.m. Regular Board Meeting**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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 Board 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 Board has discussed the item. Each speaker shall be limited to three minutes. The Board will set aside 60 minutes for public comments for items appearing on the posted agenda.

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

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

CONSENT CALENDAR ITEMS:

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

1. Approve minutes of regular Board meeting of July 10, 2024.
2. Approve minutes of regular Board Meeting of July 24, 2024.
3. Approve attendance considerations (additions, changes, deletions).
4. Board Schedule:
 - Conferences, Seminars and Meetings
 - Board Calendar
 - Upcoming Community Outreach Events

PRESENTATION AND DISCUSSION ITEMS:

5. FINANCIAL MANAGEMENT INCREASED EFFICIENCIES:

Recommendation: Receive the presentation.

6. 2024 EMPLOYEE ENGAGEMENT SURVEY:

Recommendation: Receive the presentation.

7. LEVINE ACT:

Recommendation: Receive the presentation.

8. MESA WATER RELIABILITY FACILITY FLAGPOLE:

Recommendation: Approve Staff to develop preliminary plans and cost estimates for a flagpole at the Mesa Water Reliability Facility for an amount not-to-exceed the General Manager's contracting authority.

9. BOARD WORKSHOP PLANNING:

Recommendation: Review agenda topics and discuss planning for the October 29, 2024 Board of Directors' workshop.

ACTION ITEMS:

NONE

REPORTS:

10. REPORT OF THE GENERAL MANAGER

11. DIRECTORS' REPORTS AND COMMENTS

INFORMATION ITEMS:

12. CLAIM OF GABRIEL LOZANO

13. CLAIM OF ANGEL DORADO

14. ELITE CUSTOMER SERVICE

15. FISCAL YEAR 2024 SOLE SOURCE REPORT

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



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.

ADJOURN TO A REGULAR BOARD MEETING SCHEDULED FOR WEDNESDAY, AUGUST 28, 2024 AT 4:30 P.M.



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**MINUTES OF THE BOARD OF DIRECTORS
MESA WATER DISTRICT
Wednesday, July 10, 2024
1965 Placentia Avenue, Costa Mesa, CA 92627
4:30 p.m. Regular Board Meeting**

CALL TO ORDER

The meeting of the Board of Directors was called to order at 4:30 p.m. by President Dewane.

PLEDGE OF ALLEGIANCE

Director Bockmiller led the Pledge of Allegiance.

Directors Present

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

Directors Absent

Jim Atkinson, Director

Staff Present

Paul E. Shoenberger, P.E., General Manager
Denise Garcia, Chief Administrative Officer/
District Secretary
Marwan Khalifa, CPA, MBA, Chief Financial Officer/
District Treasurer
Andrew D. Wiesner, P.E., District Engineer
Tyler Jernigan, Water Operations Manager
Kurt Lind, Business Administrator
Kaitlyn Norris, Public Affairs Specialist
Rob Anslow, Partner, Atkinson, Andelson, Loya, Ruud & Romo

Others Present

Sean M. Sherlock, Partner, Snell & Wilmer

PUBLIC COMMENTS

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

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

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

General Manager Shoenberger requested to reorder the agenda to take Item 13 after the Consent Calendar. There were no objections.

CONSENT CALENDAR ITEMS:

1. Approve minutes of regular Board meeting of June 12, 2024.
2. Approve minutes of regular Board meeting of June 26, 2024.
3. Approve attendance considerations (additions, changes, deletions).

4. Board Schedule:
 - Conferences, Seminars and Meetings
 - Board Calendar
 - Upcoming Community Outreach Events
5. Approve support of Vista Irrigation District Director Jo MacKenzie for the California Special Districts Association Board of Directors Seat A – Southern Network, authorize President Shawn Dewane to be the District's voting delegate, and direct staff to cast the electronic ballot.

MOTION

Motion by Vice President DePasquale, second by Director Bockmiller, to approve Items 1 – 5 of the Consent Calendar. Motion passed 4 – 1, with Director Atkinson absent.

President Dewane announced the Board was going into Closed Session at 4:32 p.m.

CLOSED SESSION:

ITEM 13 - CONFERENCE WITH SPECIAL LEGAL COUNSEL – POTENTIAL LITIGATION:
Pursuant to California Government Code Sections 54956.9(d)(4) and 54954.5(b)

The Board returned to Open Session at 5:19 p.m.

District Secretary Garcia announced that the Board conducted one Closed Session with the General Manager, District Secretary, Chief Financial Officer, District Engineer, Water Operations Manager, General Legal Counsel and Special Legal Counsel pursuant to California Government Code Sections 54956.9(d)(4) and 54954.5(b). The Board received information and there was no further announcement.

PRESENTATION AND DISCUSSION ITEMS:

6. NAVIGATING SOCIAL MEDIA IN LIGHT OF THE UNITED STATES SUPREME COURT DECISION IN *LINDKE V. FREED*:

GM Shoenberger provided an overview of the topic and introduced Atkinson, Andelson, Loya, Ruud & Romo Partner Rob Anslow who proceeded with a presentation that highlighted the following:

- Background
- California Law – Limitations, AB 992 (2020)/Government Code § 54952.2
- Is It State Action?

Attorney Anslow responded to questions from the Board and they thanked him for the presentation.

ACTION ITEMS:

7. RESERVOIRS 1 AND 2 PUMP STATION UPGRADES PROJECT – ENGINEERING SERVICES:

MOTION

Motion by Vice President DePasquale, second by Director Bockmiller, to award a contract to Lee + Ro, Inc. for \$271,500 and a 10% contingency of \$27,150 for an amount not to exceed \$298,650, to provide Engineering Services During Construction for the Reservoirs 1 and 2 Pump Station Upgrades Project. Motion passed 4 – 1, with Director Atkinson absent.

8. SOCIAL MEDIA CONSULTING SERVICES:

GM Shoenberger provided an overview of the topic.

Discussion ensued amongst the Board.

MOTION

Motion by Vice President DePasquale, second by Director Bockmiller, to modify the recommendation to approve a six-month contract with Westbound Communications for \$60,000 to provide Social Media Consulting Services. Motion passed 4 – 1, with Director Atkinson absent.

9. PUBLIC AFFAIRS CONSULTING SERVICES:

MOTION

Motion by Vice President DePasquale, second by Director Fisler, to approve a contract renewal with Brenda Deeley PR, LLC from July 1, 2024 to December 31, 2024 for an amount not to exceed \$40,000 to provide Public Affairs Consulting Services. Motion passed 4 – 1, with Director Atkinson absent.

REPORTS:

10. REPORT OF THE GENERAL MANAGER
11. DIRECTORS' REPORTS AND COMMENTS

INFORMATION ITEMS:

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

President Dewane announced the Board was going into Closed Session at 6:17 p.m.

CLOSED SESSIONS:

13. CONFERENCE WITH SPECIAL LEGAL COUNSEL – POTENTIAL LITIGATION:
Pursuant to California Government Code Sections 54956.9(d)(4) and 54954.5(b)

This item was taken earlier in the agenda.

14. CONFERENCE WITH GENERAL LEGAL COUNSEL – PENDING LITIGATION:
Pursuant to California Government Code Sections 54956.9(d)(4) and 54954.5(b)

The Board returned to Open Session at 6:31 p.m.

District Secretary Garcia announced that the Board conducted one Closed Session with the General Manager, District Secretary, District Engineer and General Legal Counsel pursuant to California Government Code Sections 54956.9(d)(4) and 54954.5(b). The Board received information and there was no further announcement.

President Dewane adjourned the meeting at 6:35 p.m. to a Regular Board Meeting scheduled for Wednesday, July 24, 2024 at 4:30 p.m.

Approved:

Shawn Dewane, President

Denise Garcia, District Secretary

Recording Secretary: Sharon D. Brimer



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**MINUTES OF THE BOARD OF DIRECTORS
MESA WATER DISTRICT
Wednesday, July 24, 2024
1965 Placentia Avenue, Costa Mesa, CA 92627
4:30 p.m. Regular Board Meeting**

CALL TO ORDER

The meeting of the Board of Directors was called to order at 4:30 p.m. by President Dewane.

PLEDGE OF ALLEGIANCE

Director Bockmiller led the Pledge of Allegiance.

Directors Present

Shawn Dewane, President
Marice H. DePasquale, Vice President *(left at 5:25 p.m.)*
Jim Atkinson, Director
Fred R. Bockmiller, P.E., Director
James R. Fidler, Director

Directors Absent

None

Staff Present

Paul E. Shoenberger, P.E., General Manager
Wendy Kovacevic, Records Management Specialist/
Acting District Secretary
Kurt Lind, Business Administrator/
Acting District Treasurer
Andrew D. Wiesner, P.E., District Engineer
Anthony Phou, Controller
Kaitlyn Norris, Public Affairs Specialist
Karyn Igar, Senior Civil Engineer
Rob Anslow, Partner, Atkinson, Andelson, Loya, Ruud & Romo

Others Present

None

PUBLIC COMMENTS

President Dewane asked for public comments.

There was no public present and President Dewane 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:

1. Receive and file the Developer Project Status Report.
2. Receive and file the Mesa Water and Other Agency Projects Status Report.
3. Receive and file the Water Quality Call Report.

4. Receive and file the Accounts Paid Listing.
5. Receive and file the Monthly Financial Reports.
6. Receiver and file the Outreach Update.

MOTION

Motion by Vice President DePasquale, second by Director Atkinson, to approve Items 1 – 6 of the Consent Calendar. Motion passed 5 – 0.

PRESENTATION AND DISCUSSION ITEMS:

7. FISCAL YEAR 2023 WATER LOSS AUDIT:

GM Shoenberger provided an overview of the topic and introduced Senior Civil Engineer Igar who proceeded with a presentation that highlighted the following:

- Water Loss Regulations
- Changes for 2023
- Real Loss and Apparent Loss
- FY 2023 Water Loss Audit Outputs – Key Performance Indicators (KPIs)
- MWDOC Agencies Real Losses
- MWDOC Agencies Apparent Losses
- MWDOC Agencies Infrastructure Leakage Index
- MWDOC Agencies Data Validity Score
- 2028 Performance Standards

GM Shoenberger and Ms. Igar responded to questions from the Board and they thanked them for the presentation.

ACTION ITEMS:

8. RESERVOIRS 1 AND 2 PUMP STATION UPGRADES PROJECT QUARTERLY UPDATE:

District Engineer Wiesner provided a presentation that highlighted the following:

- Reservoir 1 – Site Layout
- Reservoir 2 – Site Layout
- Reservoir 2 – Construction
- Reservoir Project Schedule
- Reservoir Project Planned vs. Actual

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

9. ORANGE COUNTY WATER DISTRICT'S RESILIENCE PLAN:

GM Shoenberger provided an overview of the topic and introduced District Engineer Wiesner who proceeded with a presentation that highlighted the following:

- Adaptive Strategies for Securing Abundant and Reliable Water Supplies
- Priority Projects List
- Brackish Water Desalination Study

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

10. PUBLIC AFFAIRS FISCAL YEAR 2024 ACCOMPLISHMENTS:

Public Affairs Specialist Norris provided a presentation that highlighted the following:

- Hosted Programs
- Water Issues Study Group
- Community Events
- Mesa Water Notify
- Social Media
- Earned Media
- Welcome Program
- Direct Mail
- Website Updated with Frequently Asked Questions (FAQs)
- Mesa Water Education Center
- Mesa Water – Mobile
- OC Fair Water Dispensers
- Professional Development

Ms. Norris responded to questions from the Board and they thanked her for the presentation.

ACTION ITEMS:

NONE.

REPORTS:

11. REPORT OF THE GENERAL MANAGER
12. DIRECTORS' REPORTS AND COMMENTS

INFORMATION ITEMS:

13. ZERO USAGE ACCOUNTS
14. FEDERAL ADVOCACY UPDATE
15. STATE ADVOCACY UPDATE
16. ORANGE COUNTY UPDATE

President Dewane adjourned the meeting at 5:43 p.m. to a Regular Board Meeting scheduled for Wednesday, August 14, 2024 at 4:30 p.m.

Approved:

Shawn Dewane, President

Denise Garcia, District Secretary

Recording Secretary: Sharon D. Brimer

Unapproved



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MEMORANDUM

TO: Board of Directors
FROM: Denise Garcia, Chief Administrative Officer
DATE: August 14, 2024
SUBJECT: Attendance at Conferences, Seminars, Meetings and Events

RECOMMENDATION

In accordance with Ordinance No. 35, adopted March 22, 2023, authorize attendance at conferences, seminars, meetings, and events.

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 June 12, 2024 meeting, the Board of Directors (Board) approved the Fiscal Year 2025 attendance at Conferences, Seminars, Meetings and Events.

DISCUSSION

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

FINANCIAL IMPACT

None.

ATTACHMENTS

None.

2024 CONFERENCES, SEMINARS, AND MEETINGS:

| | |
|---|-----------------------------|
| August 15 - 16, 2024 | |
| 9th Annual CA Water Data Summit | |
| San Diego, CA | |
| August 21 - 23, 2024 | |
| Urban Water Institute Annual Conference | <i>Atkinson, DePasquale</i> |
| San Diego, CA | |
| September 9 - 12, 2024 | |
| CSDA Annual Conference | |
| Indian Wells, CA | |
| September 17 - 18, 2024 | |
| P3 Water Summit | |
| San Diego, CA | |
| September 27, 2024 | |
| OC Water Summit | |
| TBD | |
| October 3 - 4, 2024 | |
| H2O Women Conference | <i>DePasquale</i> |
| Santa Barbara, CA | |
| October 5 - 9, 2024 | |
| WEFTEC Conference | |
| New Orleans, LA | |
| October 16, 2024 | |
| CALAFCO Annual Conference | |
| Fish Camp, CA | |
| October 20 - 23, 2024 | |
| AWWA CA-NV Annual Fall Conference | |
| Reno, NV | |
| November 13 - 14, 2024 | |
| SWMOA Annual Symposium | |
| Monterey, CA | |
| December 3 - 5, 2024 | |
| ACWA JPIA Fall Conference | |
| Palm Desert, CA | |
| December 4 - 6, 2024 | |
| Colorado River Water Users Association Conference | |
| Las Vegas, NV | |

August 2024

| August 2024 | | | | | | | September 2024 | | | | | | |
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| 25 | 26 | 27 | 28 | 29 | 30 | 31 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
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| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--|---|--|--|---|----------|
| Jul 28 | 29 | 30 | 31 | Aug 1 12:00pm OCWD Communications/Legislative (IN PERSON & VIRTUAL) | 2 7:30am WACO (VIRTUAL) | 3 |
| 4 | 5 8:30am MWDOC Planning & Operations Committee Meeting (IN PERSON & https://zoom.us/j/882) | 6 7:30am ISDOC Executive Committee Meeting 8:00am OCBC Infrastructure 12:00pm R/S from 8/7 6:00pm Costa Mesa City | 7 8:30am Jt. MWDOC/MWD 12:00pm R/S to 8/6 Executive Committee 5:30pm OCWD Board Meeting (IN PERSON) | 8 Pay Period Ends 11:30am ACC-OC John Wayne Airport Briefing (3160 Airway) 12:00pm R/S to 8/15 OCWD Admin & | 9 11:00am OC24 State of the County Luncheon (690 Newport Center Drive, Fashion Island) | 10 |
| 11 | 12 5:00pm IRWD Board Meeting (IN PERSON & VIRTUAL) | 13 | 14 Payday 8:15am LAFCO Meeting (400 W Civic Center) 8:30am MWDOC Admin 12:00pm OCWD Water 4:30pm Board Meeting | 15 8:30am R/S to 8/22 MWDOC Executive Committee (IN 12:00pm R/S from 8/8 OCWD Admin & Finance (IN PERSON) | 16 | 17 |
| 18 | 19 | 20 7:30am WACO Planning Committee Meeting (VIRTUAL) 6:00pm Costa Mesa City Council Meeting (IN PERSON & VIRTUAL) | 21 Urban Water Institute Annual Conference (San Diego, CA) 8:30am MWDOC Board Meeting (IN PERSON) 3:00pm Costa Mesa Chamber of 5:30pm OCWD Board | 22 Pay Period Ends 8:30am R/S from 8/15 MWDOC Executive Committee (IN PERSON & VIRTUAL) | 23 | 24 |
| 25 | 26 5:00pm IRWD Board Meeting (IN PERSON & VIRTUAL) | 27 | 28 Payday 4:30pm Board Meeting (Boardroom) | 29 | 30 | 31 |

September 2024

| September 2024 | | | | | | | October 2024 | | | | | | |
|----------------|----|----|----|----|----|----|--------------|----|----|----|----|----|----|
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| 15 | 16 | 17 | 18 | 19 | 20 | 21 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 29 | 30 | | | | | | 27 | 28 | 29 | 30 | 31 | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|---|---|--|---|--|----------|
| Sep 1 | 2 District Holiday 8:30am R/S to 9/3 MWDOC Planning & Operations Committee Meeting (IN PERSON & VIRTUAL) | 3 7:30am ISDOC Executive Committee Meeting 8:30am R/S from 9/2 MWDOC Planning & Operations Committee Meeting (IN PERSON & VIRTUAL) 6:00pm Costa Mesa City Council Meeting (IN PERSON & VIRTUAL) | 4 8:30am Jt. MWDOC/MWD 12:00pm Executive Committee Meeting 5:30pm OCWD Board Meeting (IN PERSON & VIRTUAL) | 5 Pay Period Ends 12:00pm OCWD Communications/Legislative (IN PERSON & VIRTUAL) | 6 7:30am WACO (VIRTUAL) | 7 |
| 8 | 9 5:00pm IRWD Board Meeting (IN PERSON & VIRTUAL) | 10 CSDA Annual Conference (Indian Wells, CA) 9:00am ACC-OC Energy, Environment and Water Committee Meeting (VIRTUAL) | 11 Payday 8:15am LAFCO Meeting 8:30am MWDOC Admin Meeting 12:00pm OCWD Water Board Meeting 4:30pm Board Meeting | 12 12:00pm OCWD Admin & Finance (IN PERSON & VIRTUAL) | 13 | 14 |
| 15 | 16 | 17 P3 Electrified Summit (San Diego) 7:30am WACO Planning Committee Meeting (VIRTUAL) 6:00pm Costa Mesa City Council Meeting (IN PERSON & VIRTUAL) | 18 8:30am MWDOC Board Meeting (IN PERSON & VIRTUAL) 3:00pm Costa Mesa Chamber of Commerce Meeting 5:30pm OCWD Board Meeting | 19 Pay Period Ends 8:30am MWDOC Executive Committee (IN PERSON & VIRTUAL) | 20 | 21 |
| 22 | 23 5:00pm IRWD Board Meeting (IN PERSON & VIRTUAL) | 24 | 25 Payday 4:30pm Board Meeting (Boardroom) | 26 | 27 8:00am OC Water Summit (686 Anton Blvd., Costa Mesa, CA 92626) | 28 |
| 29 | 30 | Oct 1 | 2 | 3 | 4 | 5 |

October 2024

| October 2024 | | | | | | | November 2024 | | | | | | |
|--------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|
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| 13 | 14 | 15 | 16 | 17 | 18 | 19 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 27 | 28 | 29 | 30 | 31 | | | 24 | 25 | 26 | 27 | 28 | 29 | 30 |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|---|---|--|---|--|----------|
| Sep 29 | 30 | Oct 1 7:30am ISDOC Executive Committee Meeting (VIRTUAL) 6:00pm Costa Mesa City Council Meeting (IN PERSON & VIRTUAL) | 2 8:30am Jt. MWDOC/MWD 12:00pm Executive Committee Meeting 5:30pm OCWD Board Meeting (IN PERSON) | 3 H2O Women Conference Pay Period Ends 12:00pm OCWD Communications/Legislative (IN PERSON & VIRTUAL) | 4 7:30am WACO (VIRTUAL) | 5 |
| 6 | 7 8:30am MWDOC Planning & Operations Committee Meeting (IN PERSON & VIRTUAL) | 8 8:00am OCBC Infrastructure Committee Meeting (2 Park Plaza Conference Center, Suite 125, Irvine, CA) | 9 Payday 8:15am LAFCO Meeting (400 W Civic Center) 8:30am MWDOC Admin 12:00pm OCWD Water 4:30pm Board Meeting | 10 12:00pm OCWD Admin & Finance (IN PERSON & VIRTUAL) | 11 | 12 |
| 13 | 14 5:00pm IRWD Board Meeting (IN PERSON & VIRTUAL) 5:00pm GWRS Steering Committee (IN PERSON & VIRTUAL) | 15 7:30am WACO Planning Committee Meeting (VIRTUAL) 6:00pm Costa Mesa City Council Meeting (IN PERSON & VIRTUAL) | 16 CALAFCO Annual Conference (1122 Highway 41, Fish Camp, CA 923623) 8:30am MWDOC Board Meeting (IN PERSON) 3:00pm Costa Mesa Chamber of 5:30pm OCWD Board | 17 Pay Period Ends 8:30am MWDOC Executive Committee (IN PERSON & VIRTUAL) | 18 8:00am City/Districts Liaison Committee Meeting (Costa Mesa City Hall - 77 Fair Drive, Costa Mesa, CA) | 19 |
| 20 | 21 | 22 | 23 Payday 8:30am ACC-OC Infrastructure Tour. 8:30am Jt. MWDOC/OCWD 4:30pm Board Meeting | 24 11:30am ISDOC Quarterly Event (MWDOC/OCWD Joint Boardroom) | 25 | 26 |
| 27 | 28 5:00pm IRWD Board Meeting (IN PERSON & VIRTUAL) | 29 3:30pm Mesa Water District Fall Board Workshop (Mesa Water District Boardroom) | 30 | 31 Pay Period Ends | Nov 1 | 2 |



UPCOMING COMMUNITY OUTREACH EVENTS

| Event | Date & Time | Location |
|----------------------|------------------------|---|
| Festival of Children | September 7 – 29, 2024 | Jewel Court South Coast Plaza 3333 Bristol Street Costa Mesa, CA 92626 |



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MEMORANDUM

TO: Board of Directors
FROM: Marwan Khalifa, CPA, MBA, Chief Financial Officer
DATE: August 14, 2024
SUBJECT: Financial Management Increased Efficiencies

RECOMMENDATION

Receive the presentation.

STRATEGIC PLAN

Goal #3: Be financially responsible and transparent.

PRIOR BOARD ACTION/DISCUSSION

At its April 10, 2014 meeting, the Board of Directors (Board) approved the selection of Public Agency Retirement Services (PARS) as a third party Other Post-Employment Benefits (OPEB) Trust provider and funded the trust with annual \$250,000 contributions over four years.

At its June 16, 2014, meeting, the Finance Committee directed staff to invest \$150,000 by June 30, 2014 into the OPEB Trust and the remaining \$100,000 within the succeeding three months.

At its July 10, 2014 meeting, the Board approved an investment strategy of Capital Appreciation and selection of an Active Portfolio Management Strategy for Mesa Water District's OPEB Trust.

At its April 17, 2017 meeting, the Finance Committee received an update on the OPEB Trust performance and Pension Stabilization Fund.

At its June 8, 2017 meeting, the Board adopted Resolution No. 1499 Adoption of the Public Agencies Post-Employment Benefits Trust Administered by PARS; appointed the District Treasurer as Mesa Water District's Plan Administrator; authorized the Plan Administrator to execute an Agreement for Administrative Services and other documents necessary to implement and administer the Public Agencies Post-Employment Benefits Trust (Program); and authorized the Plan Administrator to move assets currently in the Public Agencies Post-Retirement Health Care Plan Trust to the OPEB Account established in the name of Mesa Water District under the Public Agencies Post-Employment Benefits Trust.

Since 2020, the Board has received an annual update on the Pension & OPEB Trust.

At its March 13, 2024 meeting, the Board received an update on the current fee structure for Mesa Water District investments and potential increased returns and fee savings if cash reserves and Pension and OPEB were managed by one investment manager. Due to the lack of investable cash reserves and the increased custody and management fees, staff recommended eliminating the general cash reserves from consideration to be managed by one investment manager.



BACKGROUND

Mesa Water District (Mesa Water®), at the direction of its Board, established an OPEB Trust and Pension Rate Stabilization Trust to set aside the funds necessary to pay for future OPEB and Pension liability payments. This decision has significantly reduced the District's OPEB liability and eliminated the District's Pension liability.

As part of the Fiscal Year (FY) 2024 Strategic Plan, staff reviewed potential cost savings and increased returns if a change was made to the investment manager for the Pension & OPEB Trusts and General Reserves of Mesa Water.

DISCUSSION

Mesa Water currently uses PARS to manage its Section 115 Pension and OPEB Trusts. The investments are held with US Bank and the investment manager is Highmark Capital. As of June 30, 2024, Mesa Water had received 8.4% annualized returns over the last five years with PARS and Highmark Capital.

As set out in the FY 2024 Strategic Plan, staff examined potential increased efficiencies in financial management of the District's Section 115 Pension and OPEB trusts. Staff examined potential benefits of combining the management of both the Pension and OPEB Trusts with one investment manager. Two potential areas for improvement are increased savings on fees, and potential increased returns on investments.

Capital Group recently reviewed the District's Section 115 Pension and OPEB Trusts. After their review, Capital Group noted the following as potential benefits of transferring the Section 115 Pension and OPEB Trusts:

1. Experience – Capital Group Companies rank among the world's oldest and largest investment management organization, with over \$2.7 trillion assets under management. Within Capital Group, their Private Client Services division acts as a Registered Investment Advisor for \$38 billion in family, pension and charitable assets.
2. Long-term Track Record of Consistent Results – The returns received through Highmark Capital in the current investments of 70% equity and 30% fixed income are as follows:
 - a. Twelve months – 15.8%
 - b. Three-years – 4.1%
 - c. Five-years – 9.4%

A similar investment portfolio of 70% equity and 30% fixed income with Capital Group would have the following returns:

- d. Twelve months – 15.1%
- e. Three-years – 3.90%
- f. Five-years – 9.60%



3. Fee Aggregation:
 - a. The increase in assets due to the increase in accounts and new inflows will reduce the advisory fees on each account.
4. Assets Under Management Growth – As the accounts and strategies continue to grow due to performance or new cash inflows, the increase in Assets Under Management will positively impact all accounts:
 - a. If an Asset Under Management Qualifying Amount has been reached by a specific date, then Capital Group may issue a fee credit in subsequent quarters going back to the quarter where the qualifying amount is originally set.

Staff reviewed the potential fee savings and the potential increased returns within the Pension and OPEB Trusts and will provide a detailed presentation to the Board at the August 14, 2024 meeting.

Staff recommends the Board direct staff to present a plan with potential options for transitioning the Pension and Other Post-Employment Benefits Trusts at a future meeting.

FINANCIAL IMPACT

There is no financial impact for the discussion of this matter.

ATTACHMENTS

None.



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MEMORANDUM

TO: Board of Directors
FROM: Denise Garcia, Chief Administrative Officer
DATE: August 14, 2024
SUBJECT: 2024 Employee Engagement Survey

RECOMMENDATION

Receive the presentation.

STRATEGIC PLAN

Goal #5: Attract, develop and retain skilled employees.

PRIOR BOARD ACTION/DISCUSSION

At the request of the Board of Directors (Board), staff has presented the Employee Engagement Survey annually since 2022.

DISCUSSION

In 2019, Mesa Water District (Mesa Water®) partnered with Gallup, Inc. (Gallup) to measure employee engagement using Gallup's Q¹² Employee Engagement Survey. Gallup defines employee engagement as the involvement and enthusiasm of employees in their work and workplace. Employee engagement helps measure and manage employees' perspectives on crucial elements of the workplace culture.

In order to achieve Goal #5 of the Boards' Strategic Plan, staff continues their partnership with Gallup to annually administer the employee engagement survey to ensure that the District is comprised of a thriving workforce. The purpose of the employee engagement initiative is to provide an environment where employees feel motivated to perform their best each day. Working to increase employee engagement can lead to increased overall employee wellbeing and higher performance on several key business outcomes (e.g., safety, productivity, customer service).

In June 2024, Gallup administered the survey and received 89% staff participation, a slight dip from last year's 93% but higher than Gallup's overall median. This consistently high employee participation rate is a reflection of trust in the process and in sharing opinions with the District. Survey results found that Mesa Water's overall average score decreased by .15 points, moving from 4.06 out of 5.0 in 2023 to 3.91 in 2024.

Managers and supervisors are beginning to have meaningful discussions with their staff about this year's results, developing goals and action plans for the coming year. Human Resources is developing a monthly employee engagement seminar series for managers and supervisors to review concepts related to employee engagement and to discuss best practices in creating an environment where employee engagement can thrive in the workplace.

Gallup will present its key findings from the Mesa Water Employee Engagement Report at the August 14, 2024 Board meeting.



FINANCIAL IMPACT

None.

ATTACHMENTS

None.



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MEMORANDUM

TO: Board of Directors
FROM: Denise Garcia, Chief Administrative Officer
DATE: August 14, 2024
SUBJECT: Levine Act

RECOMMENDATION

Receive the presentation.

STRATEGIC PLAN

Goal #3: Be financially responsible and transparent.
Goal #4: Increase favorable opinion of Mesa Water.
Goal #6: Provide excellent customer service.
Goal #7: Actively participate in regional and statewide water issues.

PRIOR BOARD ACTION/DISCUSSION

None.

DISCUSSION

In 1989, the California Legislature enacted the Levine Act (Act) which added California Government Code Section 84308 to the Political Reform Act of 1974 to prohibit government officers in soliciting campaign donations from applicants with certain types of proceedings pending before such officers. This practice has commonly been referred to as "pay to play." The California Fair Political Practices Commission (FPPC) provides extensive guidance and resources on their Pay-to-Play Limit and Prohibitions webpage, including detailed definitions, training webinars, fact sheets with examples, regulations, and recent advice letters.

The Act prohibits designated appointed governmental agency officers from accepting, soliciting or directing campaign contributions over \$250 from any party, participant in, or agent thereof, to a proceeding involving a license, permit or entitlement to use 12 months before the proceeding, while the proceeding is pending before the agency, and for 12 months after a final decision has been made on a proceeding. The Act explicitly excludes competitively bid contracts, labor agreements, or personal employment contracts as proceedings subject to the Act.

If an official receives an aggregate campaign contribution exceeding \$250 and later discovers that the donor is involved in an upcoming proceeding before them, the official must recuse themselves unless they adhere to rules for promptly returning the contribution, including making a public disclosure. Candidates must be vigilant for such situations, considering that aggregated contributions can include smaller donations that collectively exceed \$250.

Prior to 2023, the Act extended only to state agency officers and local agency officers who are appointed to certain positions. Beginning on January 1, 2023, the California Legislature expanded the reach of the Act, through Senate Bill No. 1439, to encompass local governmental agencies and both appointed and elected officers thereof, including county supervisors, city council members, special district and school district Board members, etc.



General Legal Counsel will provide the Board of Directors a presentation on the Act at the August 14, 2024 meeting.

FINANCIAL IMPACT

None.

ATTACHMENTS

None.



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MEMORANDUM

TO: Board of Directors
FROM: Andrew D. Wiesner, P.E., District Engineer
DATE: August 14, 2024
SUBJECT: Mesa Water Reliability Facility Flagpole

RECOMMENDATION

Approve Staff to develop preliminary plans and cost estimates for a flagpole at the Mesa Water Reliability Facility for an amount not-to-exceed the General Manager's contracting authority.

STRATEGIC PLAN

Goal #2: Perpetually renew and improve our infrastructure.
Goal #4: Increase favorable opinion of Mesa Water.

PRIOR BOARD ACTION

None.

DISCUSSION

At Mesa Water District (Mesa Water®) Headquarters, Mesa Water displays the United States Flag and the State of California Flag in accordance with Federal and State law. With the opening of the Mesa Water Education Center (MVEC) at the Mesa Water Reliability Facility (MWRF), Mesa Water would like to investigate options for installing a flagpole at the MWRF. There are two initial options for the installation of a flagpole at the MWRF.

1. A 40-foot-tall flagpole (similar to the flagpole in front of the Headquarters building) on the Gisler side of the MWRF that could be seen by people visiting the MVEC.
2. A 100-foot-tall flagpole (twenty feet taller than the radio tower at the MWRF) on the north side of the MWRF that could be seen from Interstate 405.

Preliminary locations for both flagpole options are include on Attachment A.

To develop preliminary plans and cost estimates for the two flagpole options, a few tasks need to be completed. These tasks include, but are not limited to, underground utilities investigation, geotechnical borings, preliminary structural estimations, and a lighting plan including electrical wiring. There are three potential options for next steps regarding the MWRF Flagpole.

1. Take no action. The MWRF site would remain as is.
2. Proceed with the preliminary plans and cost estimates for the two flagpole options in Fiscal Year 2025. The flagpole construction would be budgeted in a future fiscal year. The cost for a 40-foot or 100-foot flagpole, including lighting, could range from \$150,000 to \$300,000.
3. Budget for the design and construction of a flagpole at the MWRF in a future fiscal year.

Mesa Water staff recommends performing the preliminary plans and cost estimates in Fiscal Year 2025 and including the selected flagpole option in a future fiscal year budget.



FINANCIAL IMPACT

No funds are budgeted for a flagpole at the MWRF in Fiscal Year 2025. The preliminary plans and cost estimates for the flagpole would cost approximately \$50,000 in Fiscal Year 2025. Funds for the MWRF Flagpole in Fiscal Year 2025 would come from cash on hand.

ATTACHMENTS

Attachment A – Potential flagpole locations and heights.

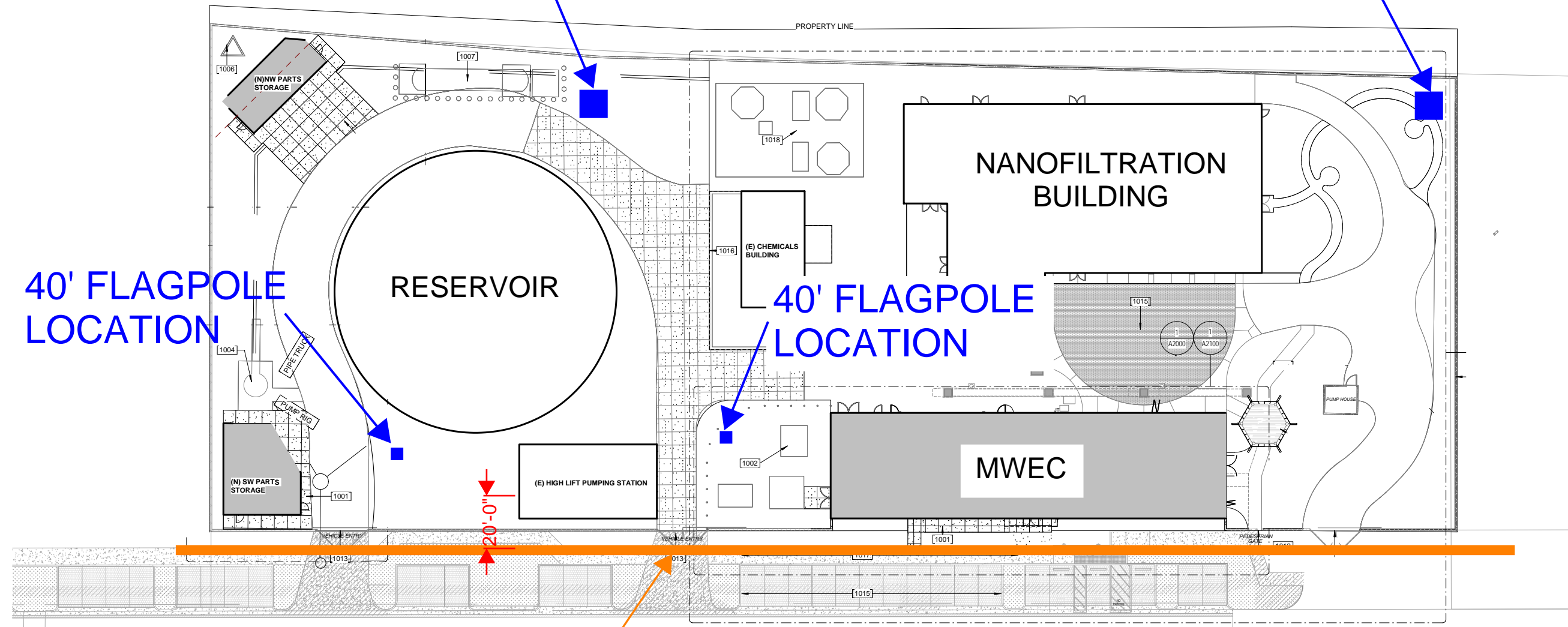
100' FLAGPOLE LOCATION

100' FLAGPOLE LOCATION

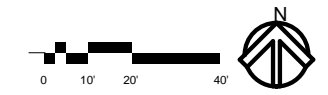
40' FLAGPOLE LOCATION

40' FLAGPOLE LOCATION

OVERHEAD POWER LINES



GISLER AVE.



CLIENT
Mesa Water District

 1350 Gisler Avenue
 Costa Mesa, CA 92626

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ISSUES

| No. | DESCRIPTION | DATE |
|-----|----------------------|------------|
| A | PARKING LOT LIGHTING | 2020-05-01 |
| B | SCHEMATIC DESIGN | 2020-06-05 |
| C | DESIGN DEVELOPMENT | 2020-12-15 |
| D | 50% CD | 2021-03-12 |
| E | ISSUE FOR PRICING | 2021-07-29 |
| F | BID ADDENDUM | 2021-09-10 |
| G | CONFORMED SET | 2021-12-01 |

CONSULTANTS

SEAL

SITE KEYNOTES

- 1001 (N) CONCRETE PAVING
- 1002 (E) TRANSFORMERS
- 1004 (E) WELL
- 1005 UNDERGROUND PIPING
- 1006 (E) ANTENNA TOWER
- 1007 (E) CARBON DIOXIDE STORAGE TANKS
- 1009 (E) VEHICULAR DRIVE
- 1010 (E) DEMONSTRATION GARDENS
- 1011 (E) PAVILION
- 1012 (E) PEDESTRIAN GATE
- 1013 (E) VEHICLE ENTRY
- 1014 (E) 8BLOCK WALL
- 1015 (E) PARKING
- 1016 OVERHANG
- 1017 (E) SIDEWALK
- 1018 (E) DEGASIFIER AREA

KEY PLAN



PROJECT NO:
 125416

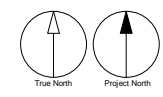
DRAWN BY:
 NK, HJ

PROJECT MGR:
 YC

CHECKED BY:
 -

APPROVED BY:
 -

SHEET TITLE
OVERALL SITE PLAN - MWRP





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MEMORANDUM

TO: Board of Directors
FROM: Paul E. Shoenberger, P.E., General Manager
DATE: August 14, 2024
SUBJECT: Board Workshop Planning

RECOMMENDATION

Review agenda topics and discuss planning for the October 29, 2024 Board of Directors' workshop.

The Executive Committee reviewed this item at its August 6, 2024 meeting.

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

For the Board of Directors' (Board) review, the proposed agenda topics are as follows:

- Regional Water Issues
- Fiscal Year 2024 Strategic Plan Status
- Annual District-Wide Performance Audit
- Attract, Develop & Retain Employees
- Annual Performance Evaluation for the General Manager
- Board Engagement Metrics

FINANCIAL IMPACT

In Fiscal Year 2025, \$1,000 is budgeted for Board workshop expenses; no funds have been spent to date.

ATTACHMENTS

None.

REPORTS:

10. REPORT OF THE GENERAL MANAGER

REPORTS:

11. DIRECTORS' REPORTS AND COMMENTS



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MEMORANDUM

TO: Board of Directors
FROM: Marwan Khalifa, CPA, MBA, Chief Financial Officer
DATE: August 14, 2024
SUBJECT: Claim of Gabriel Lozano

RECOMMENDATION

This item is provided for information.

STRATEGIC PLAN

Goal #3: Be financially responsible and transparent.
Goal #6: Provide excellent customer service.

PRIOR BOARD ACTION/DISCUSSION

None.

DISCUSSION

On July 9, 2024, Mesa Water District (Mesa Water®) received a claim from Gabriel Lozano stating that a hit and run accident took place on his property which resulted in the water line breaking and causing a leak. Mr. Lozano is requesting that Mesa Water credit his bill for the water loss caused by the accident.

On June 22, 2024, at 1:30 a.m., staff was notified by the Costa Mesa Police Department that water was leaking on Mr. Lozano's property. Duty staff arrived at 3:30 a.m. and successfully shut off the water.

In accordance with Mesa Water's Rules and Regulations for Water Service under Section 2.5, Mesa Water does not, and will not, assume any liability for damages to private property or for personal injury as a result of interruptions in water service or variations in water pressure. Staff determines to deny the claim of Mr. Lozano on August 14, 2024.

FINANCIAL IMPACT

There is no financial impact for the discussion of this matter.

If a suit is filed, Mesa Water could expend funds, the amount of which is unknown at this time.

ATTACHMENTS

Attachment A: Claim Form

Claim Form

(A claim shall be presented by the claimant or by a person acting on his behalf.)

| | |
|---|---|
| NAME OF DISTRICT: MESA WATER DISTRICT | |
| 1 | <p>Claimant name, address (mailing address if different), phone number, social security number, e-mail address, and date of birth. <i>Effective January 1, 2010, the Medicare Secondary Payer Act (Federal Law) requires the District/Agency to report all claims involving payments for bodily injury and/or medical treatments to Medicare. As such, if you are seeking medical damages, we MUST have both your Social Security Number and your date of birth.</i></p> <p>Name: GABRIEL LOZANO Phone Number: [REDACTED] Address(es): [REDACTED] Social Security #: [REDACTED] COSTA MESA CA 92627 Date of Birth: [REDACTED] E-mail: [REDACTED]</p> |
| 2 | <p>List name, address, and phone number of any witnesses.</p> <p>Name: MICHELLE DZMOV Address: [REDACTED] Phone Number: [REDACTED]</p> |
| 3 | <p>List the date, time, place, and other circumstances of the occurrence or transaction, which gave rise to the claim asserted.</p> <p>Date: 6/22/24 Time: 1:00 AM Place: MY PROPERTY</p> <p>Tell What Happened (give complete information):</p> <p>A HIT AND RUN TOOK PLACE WHICH RESULTED IN MY MAIN WATER LINE BEING BROKEN CAUSING WATER TO COME OUT UNCONTROLLABLY. POLICE OFFICER CAME TO DO A REPORT AND CALLED MESA WATER TO SEND SOMEONE OUT TO FIX. THEY DID NOT</p> <p>NOTE: Attach any photographs you may have regarding this claim. COME UNTIL</p> |
| 4 | <p>Give a general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of the claim. 3:30</p> <p>MAIN WATER LINE FAULT WAS DESTROYED ALONG WITH SOME PAVEMENT AND BUILDING DAMAGE.</p> |
| 5 | <p>Give the name or names of the public employee or employees causing the injury, damage, or loss, if known.</p> <p>JONATHAN FROM MESA WATER CAME TO FIX THE PROBLEM AT 3:30 AM</p> |
| 6 | <p>The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.</p> <p>CREDIT TO BE APPLIED FOR WATER LOSS FROM 1:00 AM - 3:30 AM 6/22/24</p> |
| Date: 6/25/24 Time: 12:00 Signature: [REDACTED] | |

ANSWER ALL QUESTIONS. OMITTING INFORMATION COULD MAKE YOUR CLAIM LEGALLY INSUFFICIENT!



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MEMORANDUM

TO: Board of Directors
FROM: Marwan Khalifa, CPA, MBA, Chief Financial Officer
DATE: August 14, 2024
SUBJECT: Claim of Angel Dorado

RECOMMENDATION

This item is provided for information.

STRATEGIC PLAN

Goal #3: Be financially responsible and transparent.
Goal #6: Provide excellent customer service.

PRIOR BOARD ACTION/DISCUSSION

None.

DISCUSSION

On April 29, 2024 Mesa Water District (Mesa Water®) received a claim from Rafii & Associates P.C. (Rafii), a firm representing Angel Dorado. The claim states that, on November 10, 2023, Mr. Dorado was riding his scooter on the sidewalk, made contact with a utility vault cover, and fell from the scooter. Rafii is requesting that Mr. Dorado receive an unspecified amount of money for the injury they claim their client endured from the fall.

For guidance, staff have consulted with Legal Counsel – Atkinson, Andelson, Loya, Ruud & Romo – and the Association of California Water Agencies Joint Powers Insurance Authority (ACWA JPIA). ACWA JPIA have been unsuccessful in their attempts to contact the representatives of Mr. Dorado and recommended denying the claim in full as they have been unable to reach the claimant. In accordance with the rule of law, Mr. Dorado's claim was automatically rejected, and a denial letter will be mailed on August 14, 2024.

FINANCIAL IMPACT

There is no financial impact for the discussion of this matter.

If a suit is filed, Mesa Water could expend funds, the amount of which is unknown at this time.

ATTACHMENTS

Attachment A: Claim Form

Claim Form

(A claim shall be presented by the claimant or by a person acting on his behalf.)

NAME OF DISTRICT:

1

Claimant name, address (mailing address if different), phone number, social security number, e-mail address, and date of birth.
Effective January 1, 2010, the Medicare Secondary Payer Act (Federal Law) requires the District/Agency to report all claims involving payments for bodily injury and/or medical treatments to Medicare. As such, if you are seeking medical damages, we **MUST** have both your Social Security Number and your date of birth.

Name: [Redacted] Dorado [Redacted]

Phone Number: [Redacted]

Address(es): [Redacted]

Social Security No.:

Date of Birth: [Redacted]

E-mail:

2

List name, address, and phone number of any witnesses.

Name:

Address:

Phone Number: ()

3

List the **date, time, place, and other circumstances** of the occurrence or transaction, which gave rise to the claim asserted.

Date: 11/10/2023

Time: Aprox. 5:40 PM

Place: [Redacted]

Tell What Happened (give complete information):

Please see attached

NOTE: Attach any photographs you may have regarding this claim.

4

Give a general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of the claim.

Please see attached

5

Give the name or names of the public employee or employees causing the injury, damage, or loss, if known.

6

The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

Claim is in excess of \$10,000 and will be an UNLIMITED civil case.

Date: 4/29/24

Time: 1:00 PM

Signature: [Handwritten Signature]

ANSWER ALL QUESTIONS. OMITTING INFORMATION COULD MAKE YOUR CLAIM LEGALLY INSUFFICIENT!

White --JPIA Office Copy

/ Yellow--District Office Copy

/ Pink--Claimant Copy

Revised -- October 2015

██████████ Dorado, ██████████
Mesa Water District Attachment

3. List the date, time, place, and other circumstances of the occurrence or transaction, which gave rise to the claim asserted.:

Our young client was riding his scooter on the sidewalk. There was a utility vault cover placed in the sidewalk in front of ██████████. The vault cover had sunk or otherwise created a gap/hole in the sidewalk. Our client made contact with this created hazard and fell off his scooter; his face impacted against the sidewalk.

4. Give a general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of the claim.

Legal principles of *respondeat superior* apply to render government entities liable for their employees' torts. The public entity may be vicariously liable for injury proximately caused by its employee's act or omission (*i.e.* negligence) within the scope of employment if the act or omission would otherwise have given rise to a cause of action against the employee. The injury was proximately caused by the Mesa Water District's (MWD) failure to maintain the vault covers in a reasonable manner. The injuries suffered by our client are of a nature reasonably foreseeable from a negligently maintained vault cover.

A public entity is liable if the injury occurred on property that it owned or controlled. The injury our client suffered was proximately caused by MWD's failure to maintain and fix their utility vault covers in a reasonable manner. The injuries suffered by our client are of a nature reasonably foreseeable from a vault cover that has been negligently maintained and allowed to create a significant hazard on a sidewalk.

This dangerous condition was created by the employee's negligence. Additionally, the government entity had adequate prior notice of the condition and failed to rectify the condition.

Mesa Water services unincorporated areas of Orange County. The legislation passed to create Mesa Water District utilizes language specifying that the governance and maintenance of the water district will be controlled by the laws governing county districts. As it falls within the borders of Orange County, the laws imputing liability upon the county will govern as established by statute.

Our client was riding his scooter on the sidewalk in front of ██████████
██████████ Mesa Water District controls the water utilities of at this address. It is the duty of the utility company to ensure the maintenance and upkeep of all associated tools and equipment necessary to complete its duty. In this instance, MWD had a duty to maintain the utility vault covers, especially when they could create a public hazard. The vault covers were left neglected for months as the hazard is of a nature that develops over time and not all at once. Presumably MWD checks the usage of the utility on a regular

basis, every few months, and as such had the opportunity to notice, inspect, and repair this hazard. To this day, the utility cover has not been repaired and the hazard continues to exist.

The Vault Covers were placed in a poorly lit location such that the hazard was undetectable even by the most reasonably pedestrian. The utility cover's location is placed at the discretion and analysis of MWD. The location chosen is poorly lit. MWD failed to consider the visibility of this vault and as such enhanced the danger of the hazard.

As a result of this hazard, our client has required extensive dental procedures. Our client has suffered damage to his "adult" teeth. Without dental/ surgical intervention, our client will suffer life-long consequences that will impact his overall health. The blunt force trauma of hitting his head against the hard sidewalk may also have caused a Traumatic Brain Injury. The full extent of the injury will take months, if not years, to fully assess due to our client's young age and developing brain functions. As a natural result of this extensive and ongoing medical treatment, much of which is painful even with pain medication, will leave psychological scars that will continuously add to his pain and suffering for the rest of his life.



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MEMORANDUM

TO: Board of Directors
FROM: Marwan Khalifa, CPA, MBA, Chief Financial Officer
DATE: August 14, 2024
SUBJECT: Elite Customer Service

RECOMMENDATION

This item is provided for information.

STRATEGIC PLAN

Goal #5: Attract, develop and retain skilled employees.
Goal #6: Provide excellent customer service.

PRIOR BOARD ACTION/DISCUSSION

In 2016, Moran Consulting, Inc. (Moran) was selected through a competitive bid process to evaluate Mesa Water District's (Mesa Water®) customer service processes. Based on their findings, Moran developed and implemented a training program to elevate customer service to an elite level. To ensure this high level of customer service continues to be provided by Mesa Water, an accountability program that includes routine audits and additional training was implemented.

At the request of the Board of Directors (Board), staff have presented the Customer Service Audit annually since 2019.

DISCUSSION

Mesa Water continuously aspires to create an optimal level of service for our external and internal customers. Over the past five years, Mesa Water's annual customer service audit overall scores have demonstrated a strong commitment to excellence. To ensure this level of excellent customer service progresses, staff is developing a Request for Proposal (RFP).

The purpose of the RFP is to seek a firm to evaluate the current level of customer service to establish a new baseline to be used to identify enhancements in delivering effective customer service standards. Based on the evaluation, appropriate training will be developed and provided to staff to optimize customer service performance.

The firm will develop standard customer service monitoring metrics to ensure that the desired level of customer service continues to be provided along with the evaluation of the current post audit process to ensure the elite level of customer service is maintained in the future. The firm will also be tasked with conducting a post evaluation of Mesa Water's customer service performance level using the Customer Service Metrics Program.

Staff will present the selection results of the RFP and recommendation at a future Board meeting.



FINANCIAL IMPACT

In Fiscal Year 2025, \$80,000 is budgeted for an Elite Customer Service Program; no funds have been spent to date.

ATTACHMENTS

None.



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MEMORANDUM

TO: Board of Directors
FROM: Marwan Khalifa, CPA, MBA Chief Financial Officer
DATE: August 14, 2024
SUBJECT: Fiscal Year 2024 Annual Sole Source

RECOMMENDATION

This item is provided for information.

STRATEGIC PLAN

Goal #3: Be financially responsible and transparent.

PRIOR BOARD ACTION

At its April 9, 2020 meeting, the Board ratified actions taken by the General Manager and staff in response to the crisis caused by the Coronavirus Disease 2019 (COVID-19) pandemic.

At its June 14, 2023 meeting, the Board rescinded, effective July 1, 2023, prior emergency authorizations granted to the General Manager and staff in response to the crisis caused by the COVID-19 pandemic. The Board also adopted Resolution No. 1581 Providing Guidelines for the Procurement of Goods and Services and Cash Disbursement, Superseding Resolution No. 1508.

At its February 14, 2024 meeting, the Board adopted Resolution No. 1589 Providing Guidelines for the Procurement of Goods and Services and Cash Disbursements, Superseding Resolution No. 1581.

DISCUSSION

Resolution No. 1589 requires that the Board be notified on an annual basis of all sole-sourced contracts entered into by Mesa Water District (Mesa Water®). Attachment A provides a report of all sole-sourced contracts for Fiscal Year 2024. The report includes the date of the sole source memorandum, the vendor, the dollar amount approved, and the purpose.

FINANCIAL IMPACT

None.

ATTACHMENTS

Attachment A: Fiscal Year 2024 Annual Sole Source Report

FISCAL YEAR 2024 ANNUAL SOLE SOURCE REPORT

| Date | Vendor | Amount | Purpose |
|-------------------------------|---|---------------------|---|
| 07/01/23 | BRENDA DEELEY PR LLC | \$ 150,000 | Public Affairs Consultant |
| 07/01/23 | LEWIS CONSULTING GROUP | \$ 48,000 | Government Relations Consultant |
| 07/01/23 | NATURE CARE | \$ 48,000 | Landscape Maintenance Services |
| 07/01/23 | T2 TECHNOLOGY GROUP, LLC | \$ 38,000 | Security Server Enhancements |
| 07/01/23 | T2 TECHNOLOGY GROUP, LLC | \$ 68,000 | IT Policy Update |
| 07/01/23 | T2 TECHNOLOGY GROUP, LLC | \$ 92,000 | Security Information Event Management |
| 07/06/23 | MORAN CONSULTING, INC. | \$ 31,250 | Quarterly Customer Service Audit/Training |
| 07/06/23 | T2 TECHNOLOGY GROUP, LLC | \$ 188,000 | IT Security Vulnerability Tools |
| 07/07/23 | BSI AMERICA PROFESSIONAL SERVICE INC | \$ 80,000 | Safety Consultant Six Month Contract Extension Until Completion of RFP |
| 08/10/23 | Nth GENERATION | \$ 74,900 | IT Cyber Security Audit |
| 09/01/23 | T2 TECHNOLOGY GROUP, LLC | \$ 50,387 | IT Support for District-Wide Facilities Security System |
| 09/08/23 | T2 TECHNOLOGY GROUP, LLC | \$ 73,000 | IT Service Management |
| 09/27/23 | PLUMBING, PIPING & CONSTRUCTION | \$ 35,100 | Well 5 Exhaust Repair |
| 10/02/23 | PLANTE & MORAN, PLLC | \$ 57,400 | RCA Consulting |
| 12/01/23 | 360 CIVIC | \$ 36,000 | Website Maintenance |
| 12/21/23 | HACH COMPANY | \$ 54,255 | Maintenance, Calibration, Service and Support for Online Analyzers |
| 01/01/24 | NATIONAL PROTECTIVE SERVICE | \$ 64,000 | Security Patrol Services |
| 01/19/24 | HUNTINGTON BEACH FORD | \$ 49,354 | Transit Cargo Van |
| 01/22/24 | JUSTIN LANE SAEGUSA | \$ 32,500 | Graphic Design Consultant |
| 01/31/24 | SONSRAY MACHINERY | \$ 162,065 | Case 580 SN Backhoe |
| 02/14/23 | JOHN JANICE PLUMBING | \$ 83,600 | Installation of Water Supply Line from Reservoir 1 to Remote Pump Trailer |
| 03/02/24 | FIELDMAN, ROLAPP & ASSOCIATES | \$ 50,000 | COPS Compliance Reporting |
| 03/21/24 | PLANTE & MORAN, PLLC | \$ 83,125 | Meter Reading Software Evaluation and Support |
| 04/01/24 | PLANTE & MORAN, PLLC | \$ 25,000 | Executive Coaching |
| 04/01/24 | THEODORE ROBINS FORD | \$ 74,500 | Fleet Maintenance and Emergency Repairs |
| 04/10/24 | PLANTE & MORAN, PLLC | \$ 175,000 | Internal Control Assessment and SOP for Finance |
| 04/24/24 | WSP USA ENVIRONMENT & INFRASTRUCTURE INC. | \$ 35,000 | AC Pipe Wall Thickness Testing And Soil Corrosivity Testing |
| 05/06/24 | JOHN JANIS PLUMBING | \$ 45,523 | Plumbing and Sink installs for MWEC |
| 05/13/24 | ECHOLOGICS LLC | \$ 74,803 | ePulse Condition Assessment Services |
| 29 Sole Sources Issued | | \$ 2,078,761 | |

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

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

Jim Atkinson Meetings Attended

| Reimbursement Date: | Description, Date |
|---------------------|-------------------|
| NA | |
| | |
| | |
| | |
| | |

Fred R. Bockmiller, P.E. Meetings Attended

| Reimbursement Date: | Description, Date |
|---------------------|-------------------------------------|
| 7/22/24 | Meeting with Mesa Water Staff, 6/18 |
| 7/22/24 | Meeting with General Manager, 6/24 |
| 7/22/24 | Mesa Water Employee Event, 6/25 |
| | |
| | |
| | |

Marice H. DePasquale Meetings Attended

| Reimbursement Date: | Description, Date |
|---------------------|-------------------|
| NA | |

Shawn Dewane Meetings Attended

| Reimbursement Date: | Description, Date |
|---------------------|--|
| 8/5/24 | Washington DC Federal Advocacy Meetings, 6/3 – 6/6 |
| | |

James R. Fisler Meetings Attended

| Reimbursement Date: | Description, Date |
|---------------------|-------------------|
| NA | |
| | |
| | |
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