



*Dedicated to
Satisfying our Community's
Water Needs*

**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:

DocuSigned by:

Shawn Dewane

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Shawn Dewane, President

DocuSigned by:

Denise Garcia

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Denise Garcia, District Secretary

Recording Secretary: Sharon D. Brimer