

MINUTES

SANTA MARGARITA WATER DISTRICT

BOARD OF DIRECTORS

REGULAR MEETING

OCTOBER 5, 2022 5:30 PM

26111 ANTONIO PARKWAY, RANCHO SANTA MARGARITA, CA 92688

Members of the public may join the meeting online at Microsoft Teams or Telephone Audio:

Telephone Audio: +1 323-553-2644 fees may apply

Telephone Audio ID: 254 414 654#

<https://tinurl.com/2s9j2mpw>

ATTENDEES

Justin McCusker	President	(Absent)
Frank Ury	Vice President	
Saundra F. Jacobs	Director	
Betty H. Olson	Director	
Charles T. Gibson	Director	(Absent)
Daniel R. Ferons	General Manager	

Don Bunts	Deputy General Manager
Chip Monaco	Chief Administrative Officer
Erica Castillo	Chief Financial Officer
Kelly Radvansky	Secretary to the Board of Directors
Stacey Bruno	Executive Assistant
Stephanie Avila	Administrative Assistant
Paul Pender	Director of Financial Planning & Analytics
Christine McIlrevey	Controller
Kathleen Springer	Human Resources Manager
Daniel Peterson	Regulatory and Logistics Manager
Brett Robbins	IT Specialist
Scott Smith	Best Best & Krieger
Jeannette Contreras	Ratepayer
Laura Freese	Ratepayer
Roger Butow	Clean Water Now
Scott Goldman	South Coast Water District
Rick Shintaku	South Coast Water District
Mike Balsamo	Rancho Mission Viejo

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Vice President Frank Ury.

The meeting opened in a moment of silence for the passing of Santa Margarita Water District family member, Kathleen Gibson, wife of Director Charles Gibson.

2. PLEDGE OF ALLEGIANCE

Chip Monaco, Chief Administrative Officer, led the Pledge of Allegiance.

3. PUBLIC FORUM

Jeannette Contreras, Ratepayer, requested the support of the Board in her candidacy for Capistrano Unified School District, Area 7 and asked for the item to be agendized at the next Board meeting.

4. CONSENT CALENDAR

4.1 Consideration and Action on Project Acceptance for the Demolition of the Oso Creek Water Reclamation Plant, Contract C-1035R

Recommendation: Accept the work performed by Kingmen Construction, Inc. (KCI) for the Demolition of the Oso Creek Water Reclamation Plant, Contract C-1035R. File Notice of Completion (NOC), and release retention no later than 60 days after the Notice of Completion has been filed, provided no claims have been filed with the District, and that the Punch List items have been completed.

Motion: Approve as recommended.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Saundra F. Jacobs, Director
SECONDER:	frank Ury, Vice President
AYES:	Frank Ury, Saundra F. Jacobs, Betty H. Olson
ABSENT:	Justin McCusker, Charles T. Gibson

4.2 Consideration and Action on Adopting Resolution No. 2022-10-01 Approving Joint Community Facilities Agreement By and Among County of Orange, Santa Margarita Water District and RMV PA 3 Development, LLC Relating to Community Facilities District No. 2022-1 (Rienda Phase 2B)

Recommendation:

- 1) Approve the proposed agreement and authorize the General Manager to execute on the District’s behalf; and
- 2) Adopt Resolution No. 2022-10-01 Relating to Community Facilities District No. 2022-1 (Rienda Phase 2B).

Director Olson pulled the item for discussion and asked when the costs for the facilities were calculated. Mr. Ferons stated the costs were updated over the summer and have contingencies built into the estimates to allow for some increases in costs.

Motion: Approve as recommended.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Betty H. Olson, Director
SECONDER:	Saundra F. Jacobs, Director
AYES:	Frank Ury, Saundra F. Jacobs, Betty H. Olson
ABSENT:	Justin McCusker, Charles T. Gibson

5. PUBLIC HEARING

- 5.1 Consideration and Action on Ordinance No. 2022-10-02 Prohibiting Unauthorized Work on or Within District Property and Establishing Penalties for such Unauthorized Activities

Recommendation: Adopt Ordinance No. 2022-10-02.

Vice President Ury opened the public hearing at 5:39 p.m.

General Manager Ferons noted that unauthorized work to District property has resulted in damage to District facilities, costs, health risks, and safety impacts.

The public hearing was closed at 5:42 p.m. with no comments from the public.

The Board discussed the fee amounts and concurred that they are fair and noted if the District receives multiple violations, they can reevaluate the fees next year.

Motion: Approve as recommended.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Saundra F. Jacobs, Director
SECONDER:	Betty H. Olson, Director
AYES:	Frank Ury, Saundra F. Jacobs, Betty H. Olson
ABSENT:	Justin McCusker, Charles T. Gibson

6. ACTION ITEMS

Motion: Approve items 6.1 through 6.5 together as recommended.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Frank Ury, Vice President
SECONDER:	Saundra F. Jacobs, Director
AYES:	Frank Ury, Saundra F. Jacobs, Betty H. Olson
ABSENT:	Justin McCusker, Charles T. Gibson

- 6.1 Consideration and Action on the Findings under Assembly Bill 361 and Extending Resolution No. 2021-10-02 for the Continuation of Virtual and Hybrid Meetings

Recommendation: Reaffirm the findings and determinations under Assembly Bill 361 and extend Resolution No. 2021-10-02 for the continuation of virtual and hybrid meetings for the next 30 days.

Motion: Approve items 6.1 through 6.5 together as recommended.

- 6.2 Consideration and Action on Letter of Support to California Coastal Commission for the Doheny Ocean Desalination Project

Recommendation: Approve the letter in support of the Doheny Ocean Desalination Project.

Rick Shintaku, South Coast Water District, thanked the Board on his and the Boards behalf for the letter of support.

- 6.3 Consideration and Action on Proposed Timeline - Committing to Implement Transition of Elections for Santa Margarita Water District Board of Directors from At-Large to By-Division

Recommendation: Approve the proposed timeline for the transition to by-division elections.

- 6.4 Consideration and Action on Resolution No. 2022-10-03; Resolution Approving the Amended Santa Margarita Water District Policy Handbook

Recommendation: Adopt Resolution No. 2022-10-03.

- 6.5 Consideration and Action on Third Amendment to Employment Agreement Between Santa Margarita Water District and Daniel R. Ferons

Recommendation: Approve the Third Amendment to Employment Agreement between Santa Margarita Water District and Daniel R. Ferons.

- 6.6 Consideration and Action on Scheduling Future Agenda Items

Recommendation: Approve items for inclusion on future Board and Committee agendas of the District.

Director Olson requested an item on the ability to put a CIMIS station in an area without turf to see how it performs be agendized to a future Engineering and Operations Committee and a future Board meeting.

7. GENERAL COUNSEL REPORT

Scott Smith, Best Best & Krieger, discussed the AB 1229 and how it may affect the District.

Director Olson requested information on the Governor's Bill that was signed regarding physicians' release of information and how it may affect the District. Mr. Smith noted he will research the information.

8. DIRECTORS REPORTS OF OUTSIDE MEETINGS AND EVENTS

Director Jacobs reported on the MWDOC/OCWD Workshop meeting.

9. ADJOURNMENT

The meeting was adjourned with a heavy heart in memory of Kathleen Gibson at 6:00 p.m. On behalf of the Board, Vice President Ury wished her family, Director Gibson and their sons, god speed as they get through this entire process.

The next Regular Board of Directors' meeting is scheduled for October 21, 2022 at 7:30 a.m.