

**EMERALD BAY SERVICE DISTRICT
REGULAR MEETING OF DIRECTORS MEETING
Wednesday, December 19, 2018**

PRESENT: John Marconi, President
John McDermott, Vice President
James Flynn, Treasurer
Susan Thomas, Secretary
Philip deCarion, Director

ALSO PRESENT: Michael Dunbar, General Manager
Allison Burns, Attorney, Stradling Yocca Carlson & Rauth
Toni Hughes, EBCA Community Manager
Cisco Farias, Director of Maintenance
Susan Olmstead-Bowen, Director of Finance
Cathy Lovitt, Recording Secretary, Member Services Administrator

CALL TO ORDER and PLEDGE OF ALLEGIANCE

The meeting was called to order at 5:30 p.m. by President John Marconi and the pledge of allegiance was recited.

Philip deCarion joined the meeting at 5:32 p.m.

CERTIFICATION OF POSTING

Cathy Lovitt stated that the agenda for this meeting was posted on the District Website, community bulletin board and at the Main Gate Guardhouse by 5:00 p.m. on Friday, December 14, 2018.

PUBLIC COMMENT

None

MINUTES

The Board discussed the minutes of the Special Meeting of the Board of Directors of November 28, 2018 and approved the minutes as written.

Susan Thomas made a motion to approve the minutes as written. The motion was seconded by John McDermott and passed unanimously.

REVIEW OF FINANCIAL MATTERS

The Board discussed the financial reports as presented.

DEPOSITS

Total deposits for December were \$417,295.04.

INVOICES FOR PAYMENT

Invoices for payment totaled \$146,800.39 for the period ending December 13, 2018.

John McDermott made a motion to approve the invoices for payment for the period ending December 13, 2018 totaling \$146,800.39. The motion was seconded by Susan Thomas and unanimously approved.

ACTION ITEMS

1. Swearing in Directors Flynn, McDermott and Thomas. Allison Burns conducted the swearing in ceremony for Directors James Flynn, John McDermott and Susan Thomas appointed by the Board of Supervisors in lieu of an election.

2. Ratification of all Action Items from the October 17, 2018 Regular Board of Directors meeting. Allison Burns reported that due to the delay of posting the October 17, 2018 agenda on the Emerald Bay Service District website, all Action Items from the October 17, 2018 meeting should to be ratified.

John McDermott made a verbal motion to ratify all Action Items from the October 17, 2018 Board meeting. The motion was seconded by Philip deCarion and passed unanimously.

OLD BUSINESS

1. Storm Water Run-off. Michael Dunbar reported that Security hasn't been writing many storm water run-off reports due to the recent rain days.

NEW BUSINESS

1. Update on Winter Storms – Storm of December 5th and 6th. Michael Dunbar reported on the recent winter storms and how the Bay handled any water run-off problem areas.

2. 2019 Water Rate Increases from Laguna Beach County Water District. Michael Dunbar reported that he received notice from the Laguna Beach County Water District regarding a 2019 Rate increase. Mr. Dunbar will draft and send out a letter to the residents in mid-February regarding the water rate increase.

CORRESPONDENCE

None

BOARD REPORTS

General Manager's Report. Michael Dunbar reported his November 2018 activities to the Board of Directors.

AD HOC REPORTS

Michael Dunbar reported that the Fire House kitchen's stainless-steel countertops will be installed by the end of January. He also informed the Board that the Orange County Fire Authority (OCFA) will be repairing the sidewalks around the Firehouse. After the completion of these projects the new firehouse lease between the Emerald Bay Community Association (EBCA), EBSD and OCFA will be drafted in and presented to the Board for approval.

Susan Thomas reported that she met with Toni Hughes regarding CERT and the IRIS feature which is a "reverse 911" alert system. They are planning to meet again with Office Manager, Eric Sirignano, to ensure that all the information is current and correct.

CLOSED SESSION

Under provisions of Government Code Section 54956.9(d) (2), the Board entered closed session at 6:10 p.m. to discuss the items listed on the agenda:

1. Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9 – South Orange County Wastewater Authority et al v. Moulton Niguel Water District, OCSC Case No. 30-2017-00923143.
2. Conference with Legal Counsel – Anticipated Litigation: Pursuant to Government Code Section 54956.9 (d) (2) – two potential cases.
3. Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code Section 54956.9(a) – Mark Denney v. State of California, et al., Orange County Superior court Case No. 30-2018-0994482 – CV – PO – CXC.

OPEN SESSION

At 6:15 p.m. the Board returned to open session. No reportable actions were taken in closed session.

LEGAL COUNSEL'S REPORT

General Counsel Allison Burns reported on various matters that she has been working on with the General Manager, Michael Dunbar.

The next regularly scheduled meeting on Wednesday, January 16, 2019.

ADJOURNMENT

The meeting was adjourned at 6:18 p.m.



John Marconi, President



Cathy Lovitt, Recording Secretary