

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF TRABUCO CANYON WATER DISTRICT  
JUNE 15, 2016**

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The Regular Meeting of the Board of Directors of the Trabuco Canyon Water District (TCWD) was called to order by President Stephen Dopudja at 7:00 PM, in the Board Room at the District Administrative Facility, located at 32003 Dove Canyon Drive, Trabuco Canyon, California. Mr. Michael Perea, District Secretary, recorded and transcribed the minutes thereof.

**DIRECTORS PRESENT**

President Stephen Dopudja  
Vice President Glenn Acosta  
Director Edward Mandich  
Director Michael Safranski

**DIRECTORS ABSENT**

Director James Haselton

**STAFF PRESENT**

Hector Ruiz, General Manager  
Michael Perea, District Secretary  
Lorrie Lausten, Engineer  
Karen Warner, Accounting Supervisor  
Lisa Carmouche, Administrative Assistant

**DISTRICT CONSULTANTS PRESENT:**

District General Legal Counsel – Rob Anslow (Bowie, Arneson, Wiles & Giannone)  
District Treasurer – Cindy Byerrum (Platinum Consultants)  
Special Legal Counsel – Gina Danner (Richards, Watson, Gershon)  
Sarina Sriboonlue, PE - Arcadis

**PUBLIC PRESENT**

Jeff Thomas, Division Six Director, Municipal Water District of Orange County (MWDOC)  
Rob Hunter, General Manager, MWDOC  
Other members of the public were present

**PLEDGE OF ALLEGIANCE**

Vice President Acosta led the Board and District staff in the pledge of allegiance.

**VISITOR PARTICIPATION**

No visitor participation was received.

**ORAL COMMUNICATION**

No oral communication was received.

**DIRECTOR'S COMMENTS**

Director Mandich expressed his best wishes for Director Haselton on his recovery, and highlighted his longstanding position on the Board of Directors.

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Director Safranski echoed Director Mandich's comments concerning Director Haselton. Director Safranski commented on his attendance at the South County Water Agencies Meeting, and highlighted the discussion concerning compliance with the State Water Board's new water conservation mandate and regulations. Discussion occurred concerning water conservation plans and ongoing communication and public outreach methods. Director Safranski mentioned that MWDOC has suggested a ten percent conservation goal for member agencies, but that it is ultimately the member agency's decision to implement a conservation standard due to Metropolitan Water District of Southern California (MWD) confirmed three year supply for its member agencies.

Vice President Acosta expressed his concern for Director Haselton, and wished him a speedy recovery. Vice President Acosta welcomed MWDOC Director Jeff Thomas and MWDOC General Manager Rob Hunter, and mentioned that he recognized that the two agencies shared the same challenges and appreciates opportunities for future collaboration.

President Dopudja expressed his concern for Director Haselton's current situation, and wished him a speedy recovery.

**REPORT FROM THE GENERAL MANAGER**

Mr. Ruiz reported on the following matters:

- Mr. Ruiz commented that there were additional members of the public that had just entered the Board Room and suggested that the Board provide the opportunity for Visitor Participation and/or Oral Communication; there were no comments received.
- Mr. Ruiz thanked Director Thomas and Mr. Hunter for attending the Regular Board Meeting.
- Mr. Ruiz said that the District's customers have conserved 30% in the month of May, 2016, in comparison with May, 2013, and that a cumulative 27.9% has been conserved since June, 2015.
- Mr. Ruiz reported that the District repaired two emergency line breaks in the previous week. Mr. Ruiz said that District Operations repaired an eight-inch water pipeline in the Rancho Cielo Community, and then a two-inch service lateral on Trabuco Oaks Drive in which an unauthorized connection was discovered during the repair.

**PRESENTATION OF A WATER CONSERVATION AWARD FROM THE BOARD OF DIRECTORS OF THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY TO THE BOARD OF DIRECTORS OF TRABUCO CANYON WATER DISTRICT**

Director Thomas addressed the Board of Directors, and expressed his concern for Director Haselton's health. Director Thomas reviewed the impacts of the State Water Board's emergency mandated regulations and conservation standards. Director Thomas highlighted and commended the Board of Directors and District staff for the implemented outreach methods which helped the District to meet its conservation standard of 28%, which included thank you cards for District customers signed by the Directors. Director Thomas reviewed the MWDOC proposed ten percent conservation goal for member agencies and the region, and expressed his appreciation for the partnership between the two agencies. Director Thomas presented a Proclamation to the Board of Directors and District staff for meeting the State Water Board emergency mandated regulations, and expressed his deepest appreciation to the Board of Directors and District staff.

Director Safranski said that the most challenging part of the statewide drought period was the communication and outreach methods, but that the District's customers were the key to meeting the State Water Board's emergency mandated regulations.

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Mr. Hunter congratulated the Board of Directors and District staff on achieving the twenty-eight percent reduction and meeting the State Water Board's emergency mandated regulations.

**ITEMS TOO LATE TO BE AGENDIZED**

Mr. Ruiz commented that there were no items too late to be agendized.

**CONSENT CALENDAR**

President Dopudja indicated that all matters under the Consent Calendar would be approved by one motion unless a Board member requested a separate action on a specific item.

**Action:** A motion was made by Vice President Acosta and seconded by Director Mandich to approve the Consent Calendar, Items 1 through 5.  
The motion carried 4 – 0 -1, with Director Haselton absent.

**ACTION CALENDAR**

*At the request of the District Treasurer and General Manager, the Board of Directors, through President Dopudja, moved Agenda Items 11 and 12 to the beginning of the Action Calendar.*

**FINANCE MATTERS**

**ITEM 11: DISCUSSION AND POSSIBLE ACTION(S) CONCERNING MUNICIPAL WATER DISTRICT OF ORANGE COUNTY (MWDOC) FISCAL YEAR 2016/2017 PROPOSED RATES, CHARGES, AND BUDGET**

Mr. Ruiz presented a status update on this matter for the Board review, and highlighted MWDOC's Rates and Charges for Fiscal Year 2016/2017 and CHOICE Options with the Board. Mr. Ruiz presented a handout which highlighted the proposed Water Use Efficiency Program Enhancements for Fiscal Year 2016/2017. Mr. Perea reviewed the WUE Programs with the Board and the proposed rebate enhancements based on a five-year trend performance analysis. Discussion occurred concerning program effectiveness and outreach methods to District customers regarding the program rebates.

**Action:** A motion was made by Director Safranski and seconded by Vice President Acosta to approve TCWD's Fiscal Year 2016/2017 Total Choice Program Budget of \$42,688, Water Use Efficiency Program Enhancements in the amount of \$18,625, and Water Loss Audit for a not to exceed amount of \$27,032.  
The motion carried 4 – 0 – 1, with Director Haselton absent.

**ITEM 12: DISCUSSION AND POSSIBLE ACTION(S) CONCERNING TRABUCO CANYON WATER DISTRICT'S FISCAL YEAR 2016/2017 CAPITAL IMPROVEMENT PROGRAM (CIP) AND GENERAL FUND BUDGETS**

Mr. Ruiz presented this matter for Board review, and mentioned that Ms. Byerrum was in attendance to answer any questions from the Board concerning the Fiscal Year 2016/2017 CIP and General Fund Budgets. Ms. Byerrum said that Board comments received at the May 23, 2016, Special Board Meeting have been implemented in the current proposed CIP and General Fund Budgets, and that they have been reviewed with both the Engineering/Operational and Finance/Audit Committees. Mr. Ruiz said that District staff proposes the following three additional CIP projects for Fiscal Year 2016/2017:

***Cooks Reservoir Security Fence Improvements***

Mr. Ruiz said that the current condition of the security fence at the Cooks Reservoir is significantly degraded and requires replacement, including soil grade restoration.

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***Plano Trabuco Sewer Lift Station Perimeter Wall Improvements***

Mr. Ruiz said that District staff has determined that improvements to the Plano Trabuco Sewer Lift Station Perimeter Wall are necessary to improve security at the facility. The proposed improvements consist of adding chain link fencing on the north and rear sides of the facility and a new automated gate entrance. Mr. Ruiz added that he has met with William Lyon Homes (Developer) to coordinate the proposed improvements with the adjacent development's architect and vendors.

***Fleet Vehicle Replacement***

Mr. Ruiz said that the current District Fleet Vehicle used at the Administrative Facility has been serviced multiple times this year for significant electrical and mechanical-related problems. Mr. Ruiz added that District staff is currently securing costs for a replacement vehicle, which include options for either purchase or lease.

Discussion occurred concerning the overall proposed budget for Fiscal Year 2016/2017 and the impact of the newly adopted water, wastewater, and recycled water rates earlier this calendar year. Vice President Acosta commended District staff and the District Treasurer for the quality budgets and hard work preparing for the Committee and Board Meetings. President Dopudja added that the newly adopted rates and ten-year CIP helped provide a fresh perspective on the necessary capital projects and repairs. Director Safranski commented on the challenges that both the District and its customers have faced over the last year due to the impact of the statewide drought, and commended District staff on their hard work on the budgets. Director Mandich commented that the proposed budgets were well planned and prepared.

**Action:** A motion was made by Director Mandich and seconded by Director Safranski to adopt Resolution No. 2016-1224 – Resolution of the Board of Directors of the Trabuco Canyon Water District Approving the General Fund District Budget for Fiscal Year 2016/2017 for an amount of \$9,102,745.  
The motion carried 4 – 0 -1, with Director Haselton absent.

A motion was made by Director Mandich and seconded by Director Safranski to adopt Resolution No. 2016-1225 – Resolution of the Board of Directors of the Trabuco Canyon Water District Approving the Capital Improvement Program Budget for Fiscal Year 2016/2017 for an amount of \$5,826,650.  
The motion carried 4 – 0 -1, with Director Haselton absent.

**ADMINISTRATIVE MATTERS**

**ITEM 6: PUBLIC HEARING FOR THE CONSIDERATION OF APPROVAL OF TRABUCO CANYON WATER DISTRICT'S 2015 URBAN WATER MANAGEMENT PLAN UPDATE (UWMP)**

Mr. Ruiz provided a status update on this matter, and mentioned that this joint project with MWDOC is required for completion every five years for water agencies. Mr. Ruiz said that Ms. Sriboonlue with Arcadis (Consultant) has prepared a presentation to review the highlights of the 2015 Urban Water Management Plan (UWMP) for Board review, and to answer any questions on matters related to the UWMP. Ms. Sriboonlue reviewed the major elements of the UWMP and required updated information since the 2010 version, which includes newly standardized tables prepared by the State Department of Water Resources, the required compliance methods based on SB 7x-7, and demand projections through 2040. Discussion occurred concerning lessons from the completed water loss audit per American Water Works Association (AWWA) methodology and multiple year demand compliance.

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President Dopudja opened the Public Hearing at 7:57 PM. There were no verbal or written comments or objections received. President Dopudja closed the Public Hearing at 7:58 PM.

**Action:** A motion was made by Vice President Acosta and seconded by Director Safranski to adopt Resolution No. 2016-1223 – Resolution of the Board of Directors of the Trabuco Canyon Water District Adopting 2015 Urban Water Management Plan Update. The motion carried 4 – 0 -1, with Director Haselton absent.

**ITEM 7: AUTHORIZE ACTION(S) FOR FISCAL YEAR 2016/2017 UNDEVELOPED LAND/WATER STANDBY ASSESSMENT & PUBLIC HEARING**

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Mr. Ruiz presented a status update on this matter, and said that this matter has been reviewed with the Finance/Audit Committee. Mr. Ruiz reviewed the purpose of the Undeveloped Land/Water Standby Assessment, and mentioned that the amount for the Assessment has not been increased since the early 1990s. Mr. Ruiz added that District staff is currently working with District Legal Counsel to prepare an exemption policy and application process for exemption for parcel owners with non-developable parcels. Director Safranski commented that the Board has reviewed this matter in the past for small undevelopable parcels in the District's service area.

**Action:** A motion was made by Vice President Acosta and seconded by Director Safranski to authorize District staff to proceed with actions to set the Fiscal Year 2016/2017 Undeveloped Land/Water Standby Assessments at \$15.00 per acre or portion thereof; and agendize and authorize District staff to furnish Notice of Public Hearing on Proposed Undeveloped Land/Water Standby Assessments for the July 20, 2016 Regular Board Meeting. The motion carried 4 – 0 -1, with Director Haselton absent.

**ITEM 8: CONSIDERATION OF ADOPTION OF A RESOLUTION OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY INTERESTS LOCATED AT 21572 PLANO TRABUCO ROAD IN THE CITY OF RANCHO SANTA MARGARITA, AND FURTHER IDENTIFIED AS PORTIONS OF ORANGE COUNTY TAX ASSESSOR'S PARCEL NUMBER 833-731-03, 04, AND 06 TO 09, FOR PUBLIC PURPOSES, NAMELY FOR WATER AND SEWER EASEMENT PURPOSES**

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Mr. Ruiz presented this matter to the Board for review, and mentioned that Ms. Danner was in attendance to answer questions concerning this matter. Mr. Ruiz said that the Resolution of Necessity concerns certain easements for water and sewer pipelines in the parking lot common area of the shopping center next to the Dahlia Court Development. Discussion occurred concerning the eminent domain process for the acquisition of the necessary easements; Ms. Danner reviewed the step by step process with the Board, which included notification to the property owners and current tenants, eminent domain filing period timeline of ninety days, and opportunities for recourse for the affected parties. Mr. Ruiz said that an updated DRAFT Resolution was included for Board review, and highlighted the non-substantive changes in comparison to the staff report exhibit.

President Dopudja opened the Public Hearing at 8:12 PM. There were no verbal or written comments or objections received. President Dopudja closed the Public Hearing at 8:13 PM.

Director Safranski expressed that the Board has never implemented eminent domain, it is not a process that he is a fan of, and that it can be a controversial matter, but that he understood the critical nature of the acquisition of these specific easements for the District's operations.

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**Action:** A motion was made by Director Safranski and seconded by Vice President Acosta:

1. Adopt proposed Resolution No. 2016-1226, (which requires a 4/5 vote of the voting members of the District Board) and authorize the District’s legal counsel to file an eminent domain proceeding to acquire the interests in the real property described as follows:

- The District seeks to acquire two easements over portions of the real property located at 21572 Plano Trabuco Road in the City of Rancho Santa Margarita, also identified as portions of Orange County Tax Assessor’s Parcel Numbers 833-731-03, 04 and 06 to 09. The interests sought to be acquired consist of an easement for a water line containing 1,308 square feet of land, as well as an easement for a sewer line containing 2,601 square feet of land, within the common area of the Trabuco Marketplace along the northerly portion of APN 833-731-04. The common area consists of asphalt paving, parking and landscape areas. No structures will be affected by these easements.

The real property interests are referred to below as “Subject Property Interests” and are described more particularly in the Exhibits attached to the Resolution of Necessity as Exhibits “A-1” and “A-2”. The Resolution also contains drawings depicting the locations of the real property interests. The drawings are attached as Exhibits “B-1” and “B-2”, to the Resolution of Necessity. The Resolution and its exhibits are attached hereto and incorporated in this Report by this reference.

2. Authorize the District’s legal counsel and District staff to take all necessary steps to deposit with the State Treasurer’s Office the amount of probable compensation required by law for issuance of an Order for Possession for the Subject Property Interests identified above.

3. Authorize the General Manager, or his designee, to execute all necessary documents.

The motion carried 4 – 0 -1, with Director Haselton absent.

**ITEM 9: DISCUSSION AND POSSIBLE ACTION(S) CONCERNING SOUTHERN CALIFORNIA EDISON (SCE) OFFER TO PURCHASE EASEMENTS AT THE HERITAGE SEWER LIFT STATION**

Mr. Ruiz presented this matter for Board review, and said that Southern California Edison (SCE) has requested an easement from the District for the purpose to replace an old, below grade, oil switch with a new above grade switch. Mr. Ruiz added that this matter has been reviewed with the Engineering/Operational Committee, and reviewed the proposed easement area (exhibits). Discussion occurred concerning improved reliability for the District’s facilities and customers in the surrounding area.

**Action:** A motion was made by Director Safranski and seconded by Vice President Acosta to accept the offer by Southern California Edison to purchase the Right of Way Easement at Parcel No. 833-061-14 for \$1,000, and to authorize the General Manager to execute Grant of Easement to Southern California Edison.  
The motion carried 4 – 0 -1, with Director Haselton absent.

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**ITEM 10: DISCUSSION AND POSSIBLE ACTION(S) CONCERNING SECOND EXTENSION AGREEMENT BETWEEN TRABUCO CANYON WATER DISTRICT AND THE OAKS AT TRABUCO, LLC**

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Mr. Ruiz presented this matter for Board review, and said that this matter has been reviewed with the Engineering/Operational Committee. Mr. Ruiz said that this Second Extension Agreement is with the existing Developer, and that the prior version expired in 2015, but that the District is continuing all necessary sewer services per the terms of the Agreement. Mr. Ruiz added that the Developer's primary challenge is to build additional homes to generate enough sewage to properly operate the onsite wastewater treatment facility.

**Action:** A motion was made by Director Safranski and seconded by Vice President Acosta authorize the General Manager to execute the Second Extension Agreement Between Trabuco Canyon Water District and The Oaks at Trabuco, LLC.  
The motion carried 4 – 0 -1, with Director Haselton absent.

**ENGINEERING MATTERS**

**ITEM 13: DISCUSSION AND POSSIBLE ACTION(S) CONCERNING THE SKYRIDGE DEVELOPMENT**

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Mr. Ruiz provided a status update on this development, and mentioned that the Hidden Ridge Owners Association is prepared to provide a Grant an Easement to the District for water purposes. Discussion occurred concerning similar easements for access granted to the District.

**Action:** A motion was made by Director Safranski and seconded by Vice President Acosta to authorize the District Secretary to execute and record the Grant of Easement, as presented, for acceptance of easement.  
The motion carried 4 – 0 -1, with Director Haselton absent.

**ITEM 14: BAKER WATER TREATMENT PLANT**

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Mr. Ruiz provided a status update on this project, and presented the Irvine Ranch Water District (IRWD) Baker Water Treatment Plant Construction Report for June 2016 for Board review. Mr. Ruiz mentioned that IRWD is currently negotiating with the Contractor on proposed contract change orders, including a settlement offer of \$395,000, which equates to an approximate impact of \$18,000 to the District, associated with project delays. Mr. Ruiz reviewed the Financial Summary for Consultant Contracts and highlighted the approved and actual project costs to date, and mentioned that IRWD is encouraging member agencies to approve these additional costs to avoid further project delays. Discussion occurred concerning project-related issues and challenges to date, and the importance of quality project management on large projects with multiple contractors and consultants; Mr. Ruiz commented that IRWD has done a good job managing the project despite adverse conditions and project delays. Mr. Ruiz said that this item was budgeted for and approved with the Fiscal Year 2016/2017 Capital Improvement Program, and no further action is required.

**Action:** The Board received the information concerning the matter. No action taken.

**ITEM 15: ALTERNATE RAW WATER TRANSMISSION LINE – FEMA NO. PW79**

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Mr. Ruiz provided a status update on this project, and said that District staff has recently received one of the necessary easements related to this project. Mr. Ruiz added that District staff and its right of way consultant is currently working with IRWD to acquire an easement related to this project, and anticipates that the matter will be resolved by next month. Mr. Ruiz said that District staff is working with the County of Orange Parks and Trails for encroachment permits, and expect these permits by August 2016. Discussion occurred concerning project

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timeline for construction; Mr. Ruiz said that the project bid documents will be prepared during the month of July for public bid in August 2016.

**Action:** The Board received the information concerning the matter. No action taken.

**ITEM 16: PLANO SEWER LIFT STATION WET WELL AND ROBINSON RANCH WASTEWATER TREATMENT PLANT INFLUENT EQUALIZATION BASIN RECOATING PROJECT**

Mr. Ruiz presented this matter for Board review, and mentioned that these projects have been reviewed with the Engineering/Operational Committee. Mr. Ruiz said that these projects are important due to the significantly degraded condition of both wastewater facilities, and reviewed the proposals for service and scope of works from Sancon Technologies for the Plano Trabuco Sewer Lift Station and Socal Pacific Construction Corporation for the Robinson Ranch Wastewater Treatment Plant Influent Equalization Basin. Discussion occurred concerning the familiarity with working with the two companies and the importance of completing reference checks to determine the quality of their past work.

**Action:** A motion was made by Vice President Acosta and seconded by Director Mandich to authorize the General Manager to contract with Sancon Technologies for Contract Services for the Plano Trabuco Sewer Lift Station Wet Well Recoating Project for a not to exceed amount of \$32,000, and to contract with Socal Pacific Construction Corporation for Contract Services for the Robinson Ranch Wastewater Treatment Plant Influent Equalization Basin Recoating Project for a not to exceed amount of \$70,000. The motion carried 4 – 0 -1, with Director Haselton absent.

**LEGISLATIVE, ADMINISTRATIVE, AND OTHER MATTERS**

**ITEM 17: DISCUSSION AND POSSIBLE ACTION(S) CONCERNING STATEWIDE DROUGHT CONDITIONS, STATE WATER RESOURCES CONTROL BOARD (SWRCB) DROUGHT REGULATIONS, AND TCWD WATER CONSERVATION MEASURES/ACTIONS**

Mr. Ruiz provided a status update on the matter, and highlighted Governor Brown's Executive Order No. B-37-16 which directs the State Water Board to adjust the mandatory emergency water conservation regulations through January 2017. Mr. Ruiz reviewed the State Water Board media release and fact sheet (exhibits) with the Board, and briefly reviewed the new regulatory self-certification process. Mr. Ruiz added that additional information is scheduled to be reviewed at the MWDOC General Manager's Meeting the following day. Mr. Hunter addressed the Board of Directors, and reviewed the impact of the statewide drought and the overwhelming subsequent response by MWDOC member agencies. Mr. Hunter said that the self-certification methodology is based on determining an agency's demand during three significantly dry years, and determining a revised conservation standard directly related to the agency supply deficiencies for that period. Mr. Hunter said that MWDOC recommends a regional conservation of ten percent as a conservative and reasonable approach to the State Water Board's new regulations. Discussion occurred concerning ongoing messaging concerning conservation methods and drought challenges after a winter that has brought some relief to conservation efforts.

**Action:** A motion was made by Vice President Acosta and seconded by Director Mandich to authorize the General Manager to provide the necessary documentation to the State Water Board to comply with the self-certification process with any additional related actions to be brought before the Board of Directors at the July 20, 2016, Regular Board Meeting.



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The motion carried 4 – 0 -1, with Director Haselton absent.

**ITEM 18: LOCAL GOVERNMENTAL AND LEGISLATIVE INFORMATIONAL MATTER(S)**

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Mr. Ruiz reported on the following local governmental and/or legislative informational matter(s):

- Mr. Perea reported that the California Special District’s Association (CSDA) has notified District staff of their proposed Bylaws updates, and that the ballot for this matter is due by June 24, 2016. Discussion occurred concerning the proposed Bylaws and the impact to member agencies; Mr. Anslow said that he has reviewed the Bylaw updates and determined that they are innocuous and non-substantive in nature. Mr. Perea said that as the Board Delegate to CSDA, Vice President Acosta votes on behalf of the Board of Directors.
- Mr. Perea reported that CSDA has notified District staff of the upcoming 2016 Board Elections, and that the ballot is due on August 2, 2016. Mr. Perea recommended that the matter be agendized for action at the July 20, 2016 Regular Board Meeting.

**Action:** A motion was made by Director Safranski and seconded by Director Mandich to vote in approval of the California Special District Association Bylaw Updates.  
The motion carried 4 – 0 -1, with Director Haselton absent.

The Board of Directors, through President Dopudja, directed District staff to agendize the California Special District Association 2016 Board Election for the July 20, 2016, Regular Board Meeting.

**OTHER MATTERS**

Mr. Ruiz said that District staff is currently reviewing the Southern Orange County Wastewater Authority (SOCWA) proposed Salt and Nutrient Plan Update which would affect the District by increasing its monitoring plan sampling frequency for certain sites in the service area. Mr. Ruiz said that more information will be presented to the Engineering/Operational Committee for review and recommendation to the Board of Directors.

**ADDITIONAL DIRECTORS’ COMMENTS**

There were no additional Directors’ comments received.

**ADDITIONAL GENERAL MANAGER COMMENTS**

There were no additional General Manager comments received.

**END ACTION CALENDAR**

**ADJOURNMENT**

President Dopudja adjourned the June 15, 2016, Regular Board meeting at 9:16 PM.