



## **MINUTES OF THE REGULAR BOARD MEETING OF THE BOARD OF DIRECTORS OF TRABUCO CANYON WATER DISTRICT | DECEMBER 19, 2018**

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The Regular Meeting of the Board of Directors of the Trabuco Canyon Water District (TCWD) conducted on December 19, 2018, was called to order by President Acosta at 7:00 PM, in the Board Room at the District Administrative Facility, located at 32003 Dove Canyon Drive, Trabuco Canyon, California. Mr. Robert Anslow, Assistant District Secretary, transcribed the minutes thereof.

### **DIRECTORS PRESENT**

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

### **DIRECTORS ABSENT**

None

### **STAFF PRESENT**

Michael Perea, Interim General Manager/District Secretary  
Lorrie Lausten, Principal Engineer  
Lisa Carmouche, Administrative Assistant  
Karen Warner, Senior Accountant  
Jason Stroud, Maintenance Superintendent  
Gary Kessler, District Employee  
Phil Serpas, District Employee  
Brent Monson, District Employee

### **DISTRICT CONSULTANTS PRESENT:**

Rob Anslow, District General Legal Counsel (Atkinson, Andelson, Loya, Ruud & Romo)/Assistant District Secretary  
Paul Kaymark (Platinum Consulting)

### **PUBLIC PRESENT**

Members of the public were present

### **PLEDGE OF ALLEGIANCE**

Director Dopudja led the Board, District staff and audience in the Pledge of Allegiance.

### **VISITOR PARTICIPATION**

No visitor participation was received.

### **ORAL COMMUNICATION**

No oral communication was received.

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**DIRECTOR'S COMMENTS**

Directors Dopudja and Vice President Safranski both commented that they had attended the Elected Officials Forum conducted by the Municipal Water District of Orange County (MWDOC) and briefly discussed matters that occurred at that Forum.

Director Chadd indicated that he had attended the recent Santiago Aqueduct Commission (SAC) meeting. He noted that SAC had received a "clean" audit report for its most recently completed fiscal year. Director Chadd also indicated that the Irvine Company is potentially interested in selling its interests in the SAC line to the Irvine Ranch Water District (IRWD). He stated that he would be reporting further on this potential sale if that matter moved forward in the future.

Director Acosta extended seasons' greetings to all members of the Board, staff, consultants and members of the public.

Director Mandich had no comments at this point in the meeting.

**RECOGNITION OF DISTRICT EMPLOYEES MR. PHIL SERPAS AND MR. BRENT MONSON FOR RECEIVING THE ASSOCIATION OF CALIFORNIA WATER AGENCIES JOINT POWERS INSURANCE AUTHORITY (ACWA JPIA) H.R. LaBOUNTY SAFETY AWARD**

The Board and Interim General Manager recognized TCWD employee efforts in being awarded the H.R. LaBounty Safety Award by the Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA). Interim General Manager, Mr. Michael Perea, discussed the improvements that had been made to the valve exercise vehicle which formed the basis of the award. Board Members all expressed their appreciation to District staff and employees for their efforts in securing this award.

**REPORT FROM THE INTERIM GENERAL MANAGER**

Interim General Manager, Mr. Michael Perea, provided a copy of the letter that had been provided to Southern California Edison (SCE) regarding electricity service outages and the District's request for notice of actual shut-offs of service.

Mr. Perea indicated that Mr. Paul Cook (IRWD) is seeking support for a letter to be provided to the South Coast Air Quality Management District and the Board briefly discussed this issue.

Mr. Perea reported that both he and Ms. Lausten met with the City of Rancho Santa Margarita (CRSM) Director of Public Works.

**ITEMS TOO LATE TO BE AGENDIZED**

Mr. Perea noted that there were no items received too late to be agendized.

**CONSENT CALENDAR**

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

**Action:** A motion was made by Director Chadd, and seconded by Director Safranski, to approve the Consent Calendar. There was no further discussion. The motion carried 5 – 0.

**ACTION CALENDAR**

**ADMINISTRATIVE MATTERS**

**ITEM 6: ELECTION OF BOARD OFFICERS**

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Pursuant to the District’s rules and regulations, Interim General Manager, Mr. Michael Perea, took control of the gavel during the nominations and voting for President of the Board of Directors. Mr. Perea requested nominations for the position of President of the TCWD Board of Directors.

**Actions:** Motion made by Director Acosta, and seconded by Director Chadd, to elect Director Mike Safranski as President of the Board of Directors of TCWD. Following the motion Mr. Perea requested any other nominations. There were no further nominations and the motion was approved by a vote of 5 – 0.

Motion made by Director Safranski and seconded by Director Dopudja to elect Director Don Chadd as Vice President of the Board of Directors of TCWD. There was no further discussion and the motion was approved by a vote of 5 – 0.

*Following election of the President and Vice President of the Board Director Safranski assumed the gavel and took over as chair of the remaining portion of the Regular Board Meeting of December 19, 2018.*

**ITEM 7: DISCUSSION AND POSSIBLE ACTION(S) CONCERNING CALENDAR YEAR 2019 BOARD MEMBER COMMITTEE APPOINTMENTS AND AGENCY REPRESENTATIVE ASSIGNMENTS**

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Mr. Perea provided the Board Members with the current listing of Board Member Committee Appointments and Agency Representative Assignments.

**Action:** Following brief discussion by the Board Members direction was given by the Board to agendaize Board Member Committee Appointments and Agency Representative Assignments for action at the Regular District Board Meeting held on January 16, 2019.

There was brief discussion regarding Board Member preferences for various Committee appointments, but no further action was taken.

**ITEM 8. DISCUSSION AND POSSIBLE ACTION(S) CONCERNING UPDATES TO TRABUCO CANYON WATER DISTRICT’S CONFLICT OF INTEREST CODE**

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Interim General Manager, Mr. Michael Perea, introduced the current District’s Conflict of Interest Code and Appendices noting that the District had previously adopted the State Model Conflict of Interest Code but had independent appendices to address various staff and consultant requirements for those persons or agencies which are subject to the requirements of the District’s Conflict of Interest Code.

**Action:** Motion made by Director Acosta, seconded by Director Dopudja, to adopt Resolution No. 2018-1262 – Resolution of the Board of Directors of the Trabuco Canyon Water District Adopting a Conflict of Interest Code Superseding all Prior Conflict of Interest Codes and Amendments Previously Adopted. There was no further discussion and the motion was passed on a roll call vote of 5 – 0.

**ITEM 9. DISCUSSION AND POSSIBLE ACTION(S) CONCERNING SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA) JOINT POWERS AGREEMENT AMENDMENT(S)**

Interim General Manager, Mr. Michael Perea, introduced the proposal made by the South Orange County Wastewater Authority (SOCWA) legal counsel relative to potential amendments to the SOCWA Joint Powers Agreement.

General Legal Counsel, Mr. Robert Anslow, identified four recommended potential principal objectives of Trabuco Canyon Water District as part of such JPA amendment discussions. These included:

- (i) keeping administrative costs of SOCWA under control;
- (ii) providing clear lines of liability allocation for/to the involved Project Committee members, as opposed to non-involved Member Agencies;
- (iii) clearly delineated voting procedures for various actions by the SOCWA Board; and
- (iv) in the event that a Member Agency elects to discontinue its membership in SOCWA or the Project Committee a clearly designated process and procedure for doing so particularly for withdrawal by a Member Agency from non-capital Project Committees.

Director Safranski commented that it is important for SOCWA to identify the issues that it wishes to tackle and then work on crafting solutions based on the issues identified. He suggested that SOCWA might wish to consider using a facilitator, as opposed to utilizing its general legal counsel, for such a process.

Director Dopudja commented that some of the SOCWA Project Committees are approaching their expiration dates under the applicable Project Committee agreements and as a result SOCWA needs to revisit various issues applicable to the potentially expiring Project Committees.

There was further discussion by the Board which included a potential TCWD Board Member workshop possibly with a presentation by SOCWA's general legal counsel to discuss with the TCWD Board the objectives process and desired outcomes for amendments to the SOCWA JPA.

**Action:** The Board authorized and directed General Legal Counsel (Atkinson, Andelson, Loya, Ruud & Romo) to participate in discussions with SOCWA and/or SOCWA's legal counsel and counsel for other Member Agencies of SOCWA concerning potential SOCWA JPA amendments based upon the priorities identified in the discussion above. The Board also gave direction that the Interim General Manager provide SOCWA with a letter proposing the concept of a workshop meeting to involve TCWD and potentially SOCWA's management and legal counsel.

**ENGINEERING MATTERS**

**ITEM 10. DISCUSSION AND RATIFICATION OF THE MAJOR REPAIRS TO TRABUCO CANYON WATER DISTRICT'S VACTOR TRUCK**

Interim General Manager, Mr. Michael Perea, discussed the need for repairs and possible replacement of TCWD's Vactor Truck noting that the current Vactor Truck is 11 years old. Mr. Perea noted that the matter had been presented to the District's Engineering and Operations Committee. Mr. Perea discussed the possible

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improvements and repairs and noted that in the future that TCWD may need to explore other options for services of a Vactor Truck given the new air quality management requirements.

**Action:** Motion made by Director Chadd, seconded by Director Acosta, to ratify the District Vactor Truck major repair cost by Haaker Equipment Company in the amount of \$36,592.87. There was no further discussion and the motion was approved by a vote of 5 – 0.

After the motion was completed Director Acosta noted that it may be worth the District exploring costs of bringing the current Vactor Truck up to current standards. Director Dopudja inquired as to the potential resale value of the current Vactor Truck after repairs.

**ITEM 11. DISCUSSION AND RATIFICATION OF DISTRICT EMERGENCY PIPELINE REPAIR PAVEMENT RESTORATION COSTS**

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Interim General Manager, Mr. Michael Perea, introduced the Agenda Item concerning emergency pipeline repair pavement restoration costs. District Principal Engineer, Ms. Laurie Lausten, presented the locations and the nature of the repairs to the Board.

**Action:** Motion made by Director Acosta, seconded by Director Mandich, to (a) ratify the pavement restoration contract with Mission Paving & Sealing, Inc. for the Mayfield Drive and Raintree pavement repairs for a not-to-exceed amount of \$61,753.20 with a contingency of \$9,300.00; and (b) ratify the pavement restoration contract with Champion Paving for the Aliso Creek Trail pavement repairs for a not-to-exceed amount of \$9,467.00 with a contingency of \$1,500.00. There was no further discussion and the motion was approved by a vote of 5 – 0.

**LEGISLATIVE, ADMINISTRATIVE AND OTHER MATTERS**

**ITEM 12. LOCAL GOVERNMENTAL AND LEGISLATIVE INFORMATIONAL MATTER(S)**

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Interim General Manager, Mr. Michael Perea, noted that the CRSM City Council had recently reorganized and briefly discussed some of the organizational changes on the new City Council.

Mr. Perea noted that District’s General Legal Counsel (AALRR) had provided the District with an update on Senate Bill 998 which will take effect in February, 2020, and will affect potential water service terminations and the appeal rights related thereto. He noted that the Municipal Water District of Orange County (MWDOC) had formed a committee to review the impacts and potential actions to address the requirements of SB 998.

**Action:** None

At the recommendation of General Legal Counsel, no closed session was held at this Board Meeting.

**ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

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There were no items received too late to be agendized.

**OTHER INFORMATION/MATTERS**

None

**ADDITIONAL DIRECTORS’ COMMENTS**

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The Directors each extended Seasons' Greetings to other Members of the Board, staff and consultants.

**ADDITIONAL INTERIM GENERAL MANAGER COMMENTS**

Mr. Perea also provided Seasons' Greetings to Members of the Board and staff.

Mr. Perea noted that the TCWD employee holiday lunch would take place on Friday, December 21, 2018, and extended an invitation to the Board of Directors.

**END ACTION CALENDAR**

**ADJOURNMENT**

President Safranski adjourned the December 19, 2018, Regular Board meeting at 8:09 PM.