



MINUTES OF THE REGULAR BOARD MEETING OF THE BOARD OF DIRECTORS OF TRABUCO CANYON WATER DISTRICT | AUGUST 17, 2023

The Regular Meeting of the Board of Directors of the Trabuco Canyon Water District (TCWD or District) conducted on August 17, 2023, was called to order by President Stephen Dopudja at 7:00 p.m. in the Board Room at the District Administrative Facility located at 32003 Dove Canyon Drive, Trabuco Canyon, California. Mr. Michael Perea, District Secretary, transcribed the minutes thereof.

DIRECTORS PRESENT

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

STAFF PRESENT

Fernando Paludi, General Manager
Michael Perea, Assistant General Manager
Lorrie Lausten, District Engineer
Roseann Lejsek, Administration Assistant

DISTRICT CONSULTANTS PRESENT

Claire Collins, Hansen & Bridgett – General Counsel

PUBLIC PRESENT

There were members of the public present.

PLEDGE OF ALLEGIANCE

Director Chadd led the Board of Directors, District staff, and audience in the Pledge of Allegiance in memory and honor of the victims of the Lahaina wildfire on Maui.

ITEMS TOO LATE TO BE AGENDIZED

None

VISITOR PARTICIPATION

None

ORAL COMMUNICATION

None

DIRECTOR'S COMMENTS

Director Chadd had no comments.

Director Mandich commented on his attendance at the Orange County Local Agency Formation Commission (OC LAFCO) meeting which included the approval of the municipal service reviews (MSR) for the west and southwest regions of Orange County.

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Director Safranski reported on his attendance at the City of Rancho Santa Margarita (RSM) City Council special meeting which provided an overview of the planned divisioning process of the councilmember positions from at-large elected to division-elected positions.

Director Acosta reported on his attendance at the Water Advisory Committee of Orange County (WACO) meeting which included a presentation on Orange County Water District's (OCWD) response to PFAS remediation.

Director Dopudja welcomed the public in attendance, and he thanked the public member for her public records request indicating that District staff would respond in accordance with the Public Records Act. Director Dopudja addressed some of the questions in the public records request, specifically, that although his professional company sponsors the Orange County Water Association (OCWA), they are not sponsoring the OCWA 2023 Operator Expo event, He added that he would not be attending the event, nor has he sought reimbursement from the District for attending an event. Director Dopudja also suggested that, since Dopudja & Wells was founded in 2021 and that he has been on the TCWD board since 2012, the public member may want to update her request to include any of the companies he has worked for in the past. He further added that the public is welcome to contact the General Manager with any additional questions.

REPORT FROM THE GENERAL MANAGER

Mr. Paludi reported on the following matters:

- El Toro Water District (ETWD) Director Jose Vergara is retiring from his position with the District. Mr. Paludi reported that District staff has prepared a proclamation expressing the Board's appreciation for his dedicated service that will be presented the following week at the ETWD regular board meeting.
- Energy Efficiency Ad Hoc Committee – Mr. Paludi announced the creation of this ad hoc committee for the purpose of identifying energy cost control strategies for the District, and he recommended Director Safranski as the Committee Chair. Director Safranski appointed Director Mandich to serve on the committee, and he expressed his goals of the committee.
- Hurricane Hillary Response – Mr. Paludi reported that District staff are staging certain heavy equipment and vehicles in strategic locations in the event the storm requires emergency response efforts.
- Director Email Accounts – Mr. Paludi reported that due to certain Cox Communications email issues that the District has updated Director email accounts with Microsoft licensing, and that District staff will assist in updating any District-issued devices to receive emails.

CONSENT CALENDAR

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

- MOTION:** Approve the Consent Calendar as presented – Director Acosta
SECOND: Director Safranski
AYES: Directors Dopudja, Mandich, Acosta, Chadd, & Safranski
NOES: None
ABSTAIN: None
ABSENT: None
MOTION PASSED/FAILED: Passed 5 – 0

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ACTION CALENDAR

ADMINISTRATIVE MATTERS

ITEM 4: RATIFICATION OF DIRECTORS' FEES AND EXPENSES, AND TENTATIVE FUTURE MEETINGS/ATTENDANCE

Mr. Paludi presented this matter for Director consideration and comment, and he reported that this matter was reviewed with the Finance/Audit Committee.

MOTION: Approve the tentative future meetings/attendance items and ratify the Directors' expenses and fees from July 2023– Director Mandich

SECOND: Director Acosta

AYES: Directors Dopudja, Mandich, Acosta, Chadd, & Safranski

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED/FAILED: Passed 5 – 0

ITEM 5: ADOPTION OF RESOLUTION CONFIRMING APPOINTMENT OF AN ASSISTANT DISTRICT SECRETARY

Mr. Perea introduced this matter for Board consideration, and he reported that the District does not have an Assistant District Secretary due to Ms. Lisa Marie Sangi's retirement. Mr. Perea recommended the appointment of Ms. Collins as the Assistant District Secretary until a staff member can be trained and certified to serve in the position. Director Safranski pointed out that the staff report indicated there would be fiscal impact to the District, but corrected the record that Ms. Collins serves as District General Counsel and is financially compensated for her work. Mr. Perea concurred with Director Safranski and acknowledged the correction.

MOTION: Adopt Resolution No. 2023-1321 – Resolution of the Board of Directors of Trabuco Canyon Water District Confirming Appointment of an Assistant Secretary to the Board of Directors– Director Acosta

SECOND: Director Mandich

AYES: Directors Dopudja, Mandich, Acosta, Chadd, & Safranski

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED/FAILED: Passed 5 – 0

ITEM 6: GENERAL MANAGER'S CONTRACT

Mr. Paludi introduced this matter for Board consideration, and he expressed his appreciation to the Board for the position as General Manager for the prior year. Mr. Paludi acknowledged that the previous twelve months have been a time of great financial stress for the District, and indicated that he did not request a change to his contract financially. Director Chadd inquired if there was a performance evaluation that would be provided. Director Dopudja commented that the Board will provide a summary of the General Manager's performance in letter form with any feedback on his performance.

MOTION: The Board of Directors received and filed the notice of the General Manager's request for no change to contract.

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FINANCIAL MATTERS

ITEM 7: APPROVAL OF DISTRICT SPONSORSHIP OF 2023 OC WATER SUMMIT

Mr. Paludi presented this matter for Board consideration, and he reported that the District has sponsored this event in the past. Mr. Paludi briefly reviewed the event program and sponsorship opportunities, and he recommended that the Board approve a table sponsorship in the amount of \$1,600.

MOTION: Approve a table sponsorship for the 2023 OC Water Summit in the amount of \$1,600 – Director Acosta.

SECOND: Director Mandich

AYES: Directors Dopudja, Mandich, Acosta, Chadd, & Safranski

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED/FAILED: Passed 5 – 0

ENGINEERING MATTERS

ITEM 8: HERITAGE SEWER LIFT STATION DRY PIT IMPROVEMENTS

Mr. Paludi presented this matter for Board consideration, and he reported this matter was reviewed with the Engineering/Operational Committee. Ms. Lausten reported that the design work for this project is completed and that there is significant rehabilitation work required at this facility. Ms. Lausten provided an overview of the project. Ms. Lausten reported that the District has received two bids after publicly bidding the project, and she presented a bid evaluation which compared the bids from Ferreira Construction and GCI Construction. Discussion occurred concerning bid cost differences, specifically the costs associated with the proposed temporary sewer bypass system. Ms. Lausten reported that GCI had additional plans for the project, including a complete station bypass which increased project costs. Ms. Lausten expressed her confidence in the bids, and she recommended awarding the project to Ferreira Construction

MOTION: Authorize the General Manager to execute a contract for Heritage Sewer Lift Station Dry Pit Improvements to Ferreira Construction in the not to exceed amount of \$173,201, with a 10% contingency of \$17,320, for a not-to exceed amount of \$190,521– Director Acosta.

SECOND: Director Safranski

AYES: Directors Dopudja, Mandich, Acosta, Chadd, & Safranski

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED/FAILED: Passed 5 – 0

ITEM 9: SCADA UPGRADE PROJECT ADDENDUM NO. 1 TO FY 2022/23 AGREEMENT WITH TESCO CONTROLS

Mr. Paludi presented this matter for Board consideration, and he reported this matter was reviewed with the Engineering/Operational Committee. Mr. Paludi reported that this proposed addendum was missing in the original scope of work. Ms. Lausten reported that the Robinson Ranch panel upgrade was included in the project site work and network diagram but was missed due to site naming confusion. Ms. Lausten provided a review of the proposed addendum, and she reported that she worked with TESCO Controls to reduce the cost from the original proposal amount reviewed with the Engineering/Operational Committee. Discussion occurred concerning the project status and timeline for completion. Ms. Lausten reported that TESCO Controls has been a good integrator and honored their pricing despite project delays. Mr. Paludi reported that District staff met with the new Chief

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Executive Officer (CEO) to discuss organizational changes and the District’s project. Director Safranski expressed his appreciation for the price decrease on the change order.

- MOTION:** Authorize the General Manager to execute Addendum No. 1 to FY 2022/23 Agreement with TESCO Controls, Inc. for Robinson Ranch Panel Upgrade to TESCO Controls, Inc. in the not to exceed amount of \$85,900 – Director Acosta.
- SECOND:** Director Mandich
- AYES:** Directors Dopudja, Mandich, Acosta, Chadd, & Safranski
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None
- MOTION PASSED/FAILED:** Passed 5 – 0

ITEM 10: PROJECT PARTNERS CONTRACT FOR DISTRICT STAFF AUGMENTATION

Mr. Paludi presented this matter for Board consideration, and he reported this matter was reviewed with the Engineering/Operational Committee. Mr. Paludi commented that the adopted capital improvement project (CIP) budgets for the next five years are ambitious, and that he believes that District staff needs assistance to complete the projects. Mr. Paludi reported that District staff has reached out to Project Partners (Consultant) for a cost-effective solution to augment staff to meet the needs of the CIP projects. Ms. Lausten briefly commented on Mr. David Rodriguez’ experience in the industry, and she reported that the proposed contract amount has been reduced to \$81,000 after critically evaluating the number of hours needed for the fiscal year.

- MOTION:** Authorize the General Manager to execute a contract for As-Needed Project Management Support to Project Partners in the not to exceed amount of \$81,000 – Director Mandich.
- SECOND:** Director Safranski
- AYES:** Directors Dopudja, Mandich, Acosta, Chadd, & Safranski
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None
- MOTION PASSED/FAILED:** Passed 5 – 0

ITEM 11: RATIFICATION OF THE PURCHAS OF FOUR NEW UTILITY TRUCK FLEET VEHICLES

Mr. Paludi presented this matter for Board consideration, and he reported this matter was reviewed with the Engineering/Operational Committee. Mr. Perea provided background information on the California Air Resources Board (CARB) Advanced Clean Fleets (ACF) regulation adopted in April 2023 that will require local agencies to transition to zero emission vehicle fleets beginning in 2024 through 2027. Mr. Perea reported that the District budgeted for the purchase of two new vehicles in FY 2023/24, but is recommending the acceleration of the purchase of two additional vehicles budgeted for FY 2024/25 as a cost control measure. Mr. Paludi added that other local water agencies are strategically using this method of enhancing their fleets.

- MOTION:** Ratify the purchase of four (4) new utility truck fleet vehicles from Tuttle Click Ford for a not to exceed amount of \$249,928.80 – Director Acosta.
- SECOND:** Director Mandich
- AYES:** Directors Dopudja, Mandich, Acosta, Chadd, & Safranski
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

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MOTION PASSED/FAILED: Passed 5 – 0

ITEM 12: DOVE CANYON PLAZA ONSITE FACILITIES AGREEMENT

Mr. Paludi presented this matter for Board consideration, and he reported this matter was reviewed with the Engineering/Operational Committee. Mr. Paludi provided a draft copy of the proposed onsite facilities agreement for Board review, and he reported on certain facility upgrades for the center. Ms. Lausten provided an overview of fire service cross connection upgrades and coordination with Orange County Fire Authority (OCFA). Mr. Paludi expressed his appreciation to General Counsel and DMc Engineering for their assistance on this project.

MOTION: Authorize the General Manager to execute an Onsite Facilities Agreement for the approval of fire service improvements within the Dove Canyon Plaza with Dove Canyon Recovery Acquisition, LLC – Director Safranski.

SECOND: Director Acosta

AYES: Directors Dopudja, Mandich, Acosta, Chadd, & Safranski

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED/FAILED: Passed 5 – 0

ITEM 13: DOVE CANYON PLAZA RECIPROCAL ACCESS AND PARKING EASEMENT AGREEMENT

Mr. Paludi presented this matter for Board consideration, and he reported that this matter was reviewed with the Executive Committee. Mr. Paludi provided a draft copy of the agreement for Board review, and he thanked Ms. Collins for her assistance in preparing this agreement. Ms. Collins reviewed the simplified updated agreement that meets the District’s needs for reciprocal access and adequate parking. Director Dopudja commended District staff in preparing this agreement.

MOTION: Authorize the General Manager to execute a Reciprocal Access and Parking Agreement for Dove Canyon Plaza with Dove Canyon Recovery Acquisition, LLC, and take any actions necessary to terminate any previous and no longer needed access and parking agreement related to Dove Canyon Plaza– Director Acosta.

SECOND: Director Mandich

AYES: Directors Dopudja, Mandich, Acosta, Chadd, & Safranski

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED/FAILED: Passed 5 – 0

ITEM 14: LOCAL GOVERNMENTAL AND LEGISLATIVE MATTER(S)

Mr. Paludi provided an update on the proposed consolidation of Municipal Water District of Orange County (MWDOC) and Orange County Water District (OCWD) currently under review of the OC LAFCO.

MOTION: None

CLOSED SESSION

The Board of Directors entered closed session in accordance with the agenda at 8:02 p.m. The General Manager, Assistant General Manager, and District General Counsel participated in the closed session.

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This closed session ended at 8:09 p.m.

ITEM 15: REPORT OF ACTION(S) TAKEN IN CLOSED SESSION

Ms. Collins reported that the Board of Directors met in closed session to review the matter as agendized, and the Board of Directors rejected the claim as presented.

MOTION: The Board of Directors rejected the Claim of McCormick– Director Acosta.

SECOND: Director Safranski

AYES: Directors Dopudja, Mandich, Acosta, Chadd, & Safranski

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED/FAILED: Passed 5 – 0

GENERAL COUNSEL REPORT

Ms. Collins provided an update on the following matters:

- The City of Rancho Santa Margarita City Council is currently evaluating divisioning the publicly elected city council positions after receiving a threat of litigation for non-compliance with the California Voting Rights Act (CVRA). Mr. Collins recommended agendizing a presentation of the CVRA requirements at a future regular board meeting.
- Brief overview of the state legislative session impacts.

OTHER INFORMATION/MATTERS

None

ADDITIONAL DIRECTORS' COMMENTS

None

ADJOURNMENT

President Dopudja adjourned the August 17, 2023, Regular Board Meeting at 8:14 p.m.