



MINUTES OF THE REGULAR BOARD MEETING OF THE BOARD OF DIRECTORS OF TRABUCO CANYON WATER DISTRICT | JULY 19, 2017

The Regular Meeting of the Board of Directors of the Trabuco Canyon Water District (TCWD) was called to order by Vice President Michael Safranski 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

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

DIRECTORS ABSENT

President Glenn Acosta

STAFF PRESENT

Hector Ruiz, General Manager
Michael Perea, District Secretary
Lorrie Lausten, Principal Engineer
Lisa Sangi, Administrative Assistant
Dona Bozeman, Lead Customer Service Representative

DISTRICT CONSULTANTS PRESENT:

District General Legal Counsel – Rob Anslow (Bowie, Arneson, Wiles & Giannone)

PUBLIC PRESENT

There were members of the public present.

PLEDGE OF ALLEGIANCE

Director Dopudja 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 Chadd had no comments

Director Dopudja provided a brief update on the Ad Hoc Committee review of the District's Personnel and Salary Policy, and mentioned that the Committee has identified three key recommendations for the Board of Directors review, which included (1) the bifurcation of the District's Personnel and Salary Policy; (2) the implementation of an Ad Hoc Committee review and resolution process for complaints against the General Manager; and (3) an

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overall review and update of the District’s Personnel Policy to conform to new laws since the last update. Director Dopudja added that the Committee recommended that District staff agendize the matter for Board review at the August 16, 2017 Regular Board Meeting.

Director Mandich had no comments.

Vice President Safranski had no comments.

REPORT FROM THE GENERAL MANAGER

Mr. Ruiz reported on the following items:

- Mr. Ruiz reported that the City of Rancho Santa Margarita has notified District staff of event sponsorship opportunities. Mr. Ruiz mentioned that the District serves the Cities of Rancho Santa Margarita, Lake Forest, Mission Viejo and unincorporated areas of Orange County.
- Mr. Ruiz reviewed the Association of California Water Agencies (ACWA) Call for Candidates for the 2018-2019 Term Memorandum, and mentioned that nominations must be received by Friday, September 1, 2017.
- Mr. Ruiz reviewed the San Diego Regional Water Quality Control Board Letter dated June 30, 2017, which invited the Board of Directors and District staff to the Water Supply Reliability Summit scheduled for August 15, 2017, at the Norman P. Murray Center in the City of Mission Viejo. Mr. Ruiz added that Directors interested in attending this event may coordinate with Mr. Perea.

ITEMS TOO LATE TO BE AGENDIZED

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

CONSENT CALENDAR

Vice President Safranski 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 Mandich to approve the Consent Calendar.
The motion carried 4 – 0 – 1, with President Acosta absent.

ACTION CALENDAR

ADMINISTRATIVE MATTERS

ITEM 6: PUBLIC HEARING FOR THE CONSIDERATION OF APPROVAL OF TRABUCO CANYON WATER DISTRICT’S FISCAL YEAR 2017/2018 UNDEVELOPED LAND/WATER STANDBY CHARGES (ASSESSMENT)

Mr. Ruiz presented this matter for discussion, and mentioned that this is an annually recurring matter for Board review. Mr. Ruiz added that District staff has not received any comments, complaints, or letters in response to the proposed Fiscal Year 2017/2018 Undeveloped Land/Water Standby Charges (Assessment). Mr. Ruiz said that District staff does not propose an increase to the assessment, and as such, District staff has complied with Proposition 218 requirements as detailed in the staff report schedule.

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PUBLIC HEARING:

Vice President Safranski called the Public Hearing to order at 7:07 PM.

Mr. Rich Gomez, District customer, addressed the Board concerning the assessment which he called a reasonably based assessment, and stated that he owns ten acres of undeveloped land in the unincorporated area of the County of Orange. Mr. Gomez said that he did not currently have water service to the undeveloped property, but that he would like to understand the District's criteria for providing water service.

Mr. Ruiz briefly described the purpose of the assessment, the District's criteria for providing water service to undeveloped properties in the District's service area, and how the District can provide water to Mr. Gomez' property as stated in the assessment.

Vice President Safranski closed the Public Hearing at 7:11 PM.

Discussion occurred concerning the District's assessment exemption policy for undevelopable property owners; Mr. Ruiz briefly reviewed the assessment exemption policy criteria and approval process. Director Chadd stated that undevelopable property is not subject to the assessment, instead, only undeveloped property that is developable.

Action: A motion was made by Director Chadd and seconded by Director Dopudja to adopt Resolution No. 2017-1244 – Resolution of the Board of Directors of the Trabuco Canyon Water District Establishing Water Standby Charges for the Fiscal Year 2017/2018; Making Certain Findings and Taking Related Actions in Connection Therewith. The motion carried 4 – 0 – 1, with President Acosta absent.

ENGINEERING MATTERS

ITEM 7: BAKER WATER TREATMENT PLANT

Mr. Ruiz provided a status update on this project, and mentioned that there was no action required. Mr. Ruiz reported that the Baker Water Treatment Plant (BWTP) is currently undergoing facility performance testing through November, 2017. Mr. Ruiz reported that he is working with City of San Clemente staff on the agreement language for the sale of excess/unused BWTP water, and added that District General Legal Counsel will review the final agreement language prior to presentation to the Board. Mr. Ruiz mentioned that the City of San Clemente is currently undergoing a water rate analysis, and that he expected draft language for Board review in the coming months.

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

ITEM 8: ALTERNATE RAW WATER TRANSMISSION LINE – FEMA NO. PW79

Mr. Ruiz provided a status update on this project, and stated action by the Board was required on this matter. Mr. Ruiz presented an Additional Work Request Letter (Amendment No. 2) prepared by Tetra Tech (Construction Phase Services Consultant) in the amount of \$10,100 for Board review, and mentioned that Amendment No. 2 was reviewed by the Engineering/Operational Committee. Ms. Lausten presented and reviewed construction photos which highlighted recent nighttime project work and scaffolding requirements. Ms. Lausten added that that the project work performed by Ferreira Construction Co. (Construction Contractor) did not require trail closure. Ms. Lausten mentioned that the project-related bridge work is scheduled to be completed by the following week. Ms. Lausten reviewed the Three-Week Project Schedule with the Board, and highlighted the planned work. Discussion occurred concerning the planned abandonment, demolition, and removal of the

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existing pipeline at Serrano Creek; Ms. Lausten mentioned that the demolition of the pipeline is tentatively scheduled for the third week of August. Vice President Safranski commended District staff on the project's progress to date. Discussion occurred concerning ongoing onsite biological monitoring; Ms. Lausten reported that biological spot checks are currently occurring, but that Tribal Monitoring and Archaeological Monitoring has been completed, and is no longer required by the Federal Emergency Management Agency (FEMA). Vice President Safranski asked Ms. Lausten if the District has received any project-related complaints to date; Ms. Lausten reported that there have been no complaints concerning trail access, but that the District did receive one complaint from a business adjacent to the project site due to loud noise which was subsequently mitigated. Director Chadd asked for an update on the pipeline abandonment plan; Ms. Lausten mentioned that the in-ground abandoned pipeline will be filled with slurry and then capped when completed per City of Lake Forest requirements. Director Mandich asked the General Manager if there were plans to recognize the significance of the project completion; Mr. Ruiz commented that District staff will coordinate for a recognition event including District staff and the project contractors and consultants when the project is completed.

Action: A motion was made by Director Dopudja and seconded by Director Mandich to approve and authorize the General Manager to execute Contract Amendment No. 2 for Additional Construction Support Services with Tetra Tech in the amount not to exceed \$10,100.
The motion carried 4 – 0 – 1, with President Acosta absent.

LEGISLATIVE, ADMINISTRATIVE AND OTHER MATTERS

ITEM 9: 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 concerning this matter, and commented there was no action required. Mr. Ruiz reported that the District's customers have conserved approximately twenty-six percent in comparison to the same month in 2013. Mr. Ruiz added that District staff has prepared a postcard that will be mailed to District customers as an update to the recent water conservation changes and to review the District's Water Conservation Ordinance Permanent Provisions.

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

ITEM 10: DISCUSSION AND POSSIBLE ACTION CONCERNING TRABUCO CANYON WATER DISTRICT'S POSITION ON ASSEMBLY BILL 1000 (FRIEDMAN)

Mr. Ruiz presented this matter for Board review, and mentioned that President Acosta requested to have this matter agendaized for review and discussion. Mr. Ruiz mentioned that Assembly Bill 1000 (Friedman) is a gut and amend bill that has targeted the Cadiz Project by creating additional legislative processes and review under the California Environmental Quality Act (CEQA). Vice President Safranski asked Director Chadd if this matter had been reviewed at the South County Agencies Meeting; Director Chadd affirmed that the matter had been discussed with the group, and that the group was in favor of opposing this proposed legislation.

Action: A motion was made by Director Chadd and seconded by Director Dopudja to approve and authorize the General Manager to execute the "Opposition to AB 1000" letter on behalf of the Board of Directors.
The motion carried 4 – 0 – 1, with President Acosta absent.

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ITEM 11: DISCUSSION AND POSSIBLE ACTION CONCERNING CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2017 BOARD OF DIRECTORS ELECTION

Mr. Ruiz presented this matter for Board review, and mentioned that District staff has been notified of the California Special Districts Association (CSDA) 2017 Board Elections for the Southern Network, Seat C. Mr. Ruiz briefly reviewed the candidate information with the Board. Discussion occurred concerning the candidates.

Action: A motion was made by Director Chadd and seconded by Director Mandich for the District's California Special Districts Association Delegate to vote in support of Ms. Arlene Schafer, Costa Mesa Sanitary District, for Southern Network, Seat C. The motion carried 4 – 0 – 1, with President Acosta absent.

ITEM 12: LOCAL GOVERNMENTAL AND LEGISLATIVE INFORMATIONAL MATTER(S)

Mr. Ruiz presented a request for support from ACWA concerning a coalition letter on proposed Long-Term Conservation legislation, and mentioned that he would like participate in the process by submitting a letter of support to ACWA.

Action: A motion was made by Director Chadd and seconded by Director Dopudja to authorize the General Manager to execute the Association of California Water Agencies coalition letter on proposed Long-Term Conservation legislation. The motion carried 4 – 0 – 1, with President Acosta absent.

OTHER INFORMATION/MATTERS

There was no other information or matters presented.

CLOSED SESSIONS

The Board of Directors, through Vice President Safranski, recessed the Open Session portion of the Meeting at 7:34 PM. The Board met in Closed Session as set forth in the Meeting Agenda.

The Board, through Vice President Safranski, reconvened the Open Session of the Meeting at 8:15 PM.

ITEM 13: REPORT OF ACTION(S) TAKEN IN CLOSED SESSION

CLOSED SESSION NO. 1:

Action: The Board of Directors met with General Legal Counsel and District staff, and received information concerning the matter. A motion was made by Director Chadd and seconded by Director Mandich to reject the McElderry Claim and to authorize District staff and General Legal Counsel to prepare the a Notice of Claim Rejection Letter. The motion carried 4 – 0 – 1, with President Acosta absent.

CLOSED SESSION NO. 2:

Action: The Board of Directors met with General Legal Counsel and the District's South Orange County Wastewater Authority (SOCWA) Representative, and received information concerning the matter. There were no other announcements made at that time.

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ADDITIONAL DIRECTORS' COMMENTS

Director Chadd requested that District staff or his fellow Directors can provide him with agenda topics for his consideration at future South County Agencies Meeting agendas.

ADDITIONAL GENERAL MANAGER COMMENTS

Mr. Ruiz commented that he would be out of the office the following week.

END ACTION CALENDAR

ADJOURNMENT

Vice President Safranski adjourned the July 19, 2017, Regular Board meeting at 8:16 PM.