



**EXECUTIVE COMMITTEE MEETING AGENDA
TRABUCO CANYON WATER DISTRICT
32003 DOVE CANYON DRIVE, TRABUCO CANYON, CA
ADMINISTRATIVE FACILITY, CONFERENCE ROOM
JANUARY 10, 2022 AT 5:00 PM**

COMMITTEE MEMBERS

Stephen Dopudja, Committee Chair
Don Chadd, Committee Member

DISTRICT STAFF

Fernando Paludi, General Manager
Michael Perea, District Secretary

AGENDA NOTE:

Trabuco Canyon Water District will be holding all upcoming public meetings by Video/Audit Broadcast, and will be available by telephone audio as follows:

Telephone Audio: 1 (669) 900-6833

Access Code: 979 8688 5071

Persons desiring to monitor the Committee meeting agenda items may download the Executive Committee meeting agenda and documents on the internet at www.tcwd.ca.gov. You may submit public comments by email to the Committee at mperea@tcwd.ca.gov. In order to be part of the record, emailed comments on meeting agenda items must be received by the District, at the referenced e-mail address, not later than 10:00 a.m. (PDT) on the day of the meeting.

CALL MEETING TO ORDER

VISITOR PARTICIPATION

Members of the public wishing to address the Committee regarding a particular item on the agenda are requested to complete a speaker card and submit it to staff. The Committee Chair will call on the visitor following the Committee's discussion about the matter. Committees do not constitute a quorum of the Board of Directors and Committee Members cannot make decisions on matters. The Committee makes recommendations only to the Board of Directors. Members of the public will be given the opportunity to speak to the Committee prior to making a recommendation on the matter. For persons desiring to make verbal comments and utilizing a translator to present their comments into English reasonable time accommodations, consistent with State law, shall be provided. Please limit comments to three minutes.

ORAL COMMUNICATION

Members of the public who wish to make comment on matters not appearing on the agenda are invited to identify themselves and encouraged to make comment at this time. The Committee Chair will call on the visitor following the Committee's discussion about the matter. Committees do not constitute a quorum of the Board of Directors and Committee Members cannot make decision on matters. The Committee makes recommendations only to the Board of Directors. Under the requirements of State Law, Committee Members cannot take action on items not identified on the agenda and will not make decisions on such matters. The Committee Chair may direct District Staff to follow up on issues as may be deemed appropriate. For persons desiring to make verbal comments and utilizing a translator to present their comments into English reasonable time accommodations, consistent with State law, shall be provided. Please limit comments to three minutes.

COMMITTEE MEMBER COMMENTS

REPORT FROM THE GENERAL MANAGER

**TRABUCO CANYON WATER DISTRICT
EXECUTIVE COMMITTEE MEETING AGENDA | JANUARY 10, 2022**

ADMINISTRATIVE MATTERS

ITEM 1: EXECUTIVE COMMITTEE MEETING RECAP

RECOMMENDED ACTION:

Approve the following Executive Committee Meeting Recap and recommend that the Board receive and file the same. (Consent Calendar)

1. December 7, 2021

ITEM 2: ADMINISTRATIVE FACILITY BOARD ROOM USE APPLICATION AND PERMIT

RECOMMENDED ACTION:

Recommend the Board of Directors approve the proposed Board Room Use Application and Permit and rescind the Facility Use Policy adopted on February 21, 2007. (Action Calendar)

DISCUSSION MATTERS

ITEM 3: BOARD AGENDA PLANNING CALENDAR

RECOMMENDED ACTION:

Committee to discuss information at the time of the meeting and take action(s) as deemed appropriate.

OTHER MATTERS

ITEM 4: REPORTS OR COMMENTS FROM THE GENERAL MANAGER AND/OR STAFF

RECOMMENDED ACTION:

Hear other matters from the General Manager and/or Staff.

ADJOURNMENT

AVAILABILITY OF AGENDA MATERIALS

Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Trabuco Canyon Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection at the District Administrative Facility, 32003 Dove Canyon Drive, Trabuco Canyon, California (District Facility). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available in the lobby area of the District Facility at the same time as they are distributed, except that, if such writings are distributed immediately prior to or during the meeting, they will be available in the Boardroom at the District Facility.

COMPLIANCE WITH THE REQUIREMENTS OF CALIFORNIA GOVERNMENT CODE SECTION 54954.2

In compliance with California law and the Americans with Disabilities Act, if you need special disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, or if you need the agenda provided in an alternative format, please contact the District Secretary at (949) 858-0277 at least 48 hours in advance of the scheduled meeting. Notification 48 hours prior to the meeting will assist the District in making reasonable arrangements to accommodate your request. The District office is wheelchair accessible.

www.tcwd.ca.gov



**TRABUCO CANYON WATER DISTRICT
EXECUTIVE COMMITTEE MEETING | JANUARY 10, 2022**

ADMINISTRATIVE MATTERS

ITEM 1: EXECUTIVE COMMITTEE MEETING RECAP

The Executive Committee Meeting Recap for the following meeting(s) is attached for Committee review.

RECOMMENDED ACTION:

Approve the following Executive Committee Meeting Recap and recommend that the Board receive and file the same. (Consent Calendar)

1. *December 7, 2021*

CONTACTS (staff responsible): PALUDI/PEREA



TRABUCO CANYON WATER DISTRICT EXECUTIVE COMMITTEE MEETING RECAP | DECEMBER 7, 2021

DIRECTORS PRESENT

Vice President Stephen Dopudja, Committee Chair
President Don Chadd, Committee Member

STAFF PRESENT

Fernando Paludi, General Manager
Michael Perea, Assistant General Manager
Lisa Marie Sangi, Executive Assistant

CONSULTANT PRESENT VIA CONFERENCE CALL

Ms. Claire Collins, Hanson & Bridgett

PUBLIC PRESENT

There were no members of the public present

CALL MEETING TO ORDER

Vice President Dopudja called the December 7, 2021 Executive Committee Meeting to order at 4:00 PM.

VISITOR PARTICIPATION

No visitor participation was received.

ORAL COMMUNICATION

No oral communication was received.

COMMITTEE MEMBER COMMENTS

No comments were received.

REPORT FROM THE GENERAL MANAGER

Mr. Paludi had no comments.

BOARD AGENDA MATTERS

ITEM 1: EXECUTIVE COMMITTEE MEETING RECAP

Mr. Paludi presented the Executive Committee Meeting Recap for Committee review in accordance with the agenda.

RECOMMENDED ACTION:

The Committee recommended that the November 8, 2021 Executive Committee meeting recap be forwarded to the Board of Directors for approval (Consent Calendar).

**TRABUCO CANYON WATER DISTRICT
EXECUTIVE COMMITTEE MEETING RECAP | DECEMBER 7, 2021**

ADMINISTRATIVE MATTERS

ITEM 2: DISCUSSION AND POSSIBLE ACTION(S) CONCERNING ADOPTION OF ORDINANCE NO. 2021-22, SUPERSEDING ORDINANCE NO. 2008-18 AND ESTABLISHING A WATER CONSERVATION AND SUPPLY SHORTAGE PROGRAM

Mr. Paludi introduced this matter for Committee consideration, and he provided a brief report on the current statewide drought conditions. Mr. Paludi added that the District is required by the Department of Water Resources (DWR) to update its existing Water Conservation Ordinance with an Ordinance that meets the minimum standards and supersedes the previous version. Ms. Collins provided a brief overview of certain provisions of the proposed Ordinance, and she recommended the Board of Directors declare a Level 2 Water Supply Shortage Conditions consistent with the Board-adopted Water Shortage Contingency Plan (WSCP). Discussion occurred concerning hardship waivers and the impact of fuel modification zones for larger parcels in unincorporated areas and homeowner association managed properties.

RECOMMENDED ACTION:

The Committee recommended the Board of Directors adopt Ordinance No. 2021-22, Superseding Ordinance No. 2008-18 and Establishing a Water Conservation and Supply Shortage Program. (Action Calendar)

DISCUSSION MATTERS

ITEM 3: BOARD AGENDA PLANNING CALENDAR

Mr. Paludi presented this matter for Committee consideration, and he provided a handout highlighting certain proposed Board agenda planning calendar updates including, but not limited to:

December 2021

- Fiscal Year 2020/2021 Financial Report (Audit)
- Water Conservation Ordinance
- Water Shortage Contingency Plan Level 2 Declaration
- Board Officer Election & Committee/Representative Assignments

January 2022

- District Treasurer's Annual Statement of Investment Policy
- Action on Financial Borrowing
- Trabuco Canyon Improvement Corporation
- Trabuco Canyon Public Finance Authority

RECOMMENDED ACTION:

OTHER MATTERS

ITEM 4: REPORTS OR COMMENTS FROM THE GENERAL MANAGER AND/OR STAFF

Mr. Paludi reported that the Southern California Water Coalition has scheduled Quarterly Luncheon for January 21, 2022, and that he has reached out to neighboring agencies on sharing a table with the District.

RECOMMENDED ACTION:

None

ADJOURNMENT

Vice President Dopudja adjourned the December 7, 2021 Executive Committee Meeting at 4:50 PM.

**TRABUCO CANYON WATER DISTRICT
EXECUTIVE COMMITTEE MEETING | JANUARY 10, 2022**

ADMINISTRATIVE MATTERS

ITEM 2: ADMINISTRATIVE FACILITY BOARD ROOM USE APPLICATION AND PERMIT

Trabuco Canyon Water District (District) owns and operates the Administration Facility in Dove Canyon Plaza, and the Board of Directors have approved the use of the Board Room for community group meetings and small private events. The last time the Board adopted an updated Facility Use Policy (“Policy”) was at the February 21, 2007 Regular Board Meeting. Prior to the COVID-19 pandemic, the Board Room was used on a monthly recurring basis by Non-Profit Groups, such as Homeowner Associations (HOAs), Youth Sports Groups, and other local Non-Profit Organizations, and this Policy has served as a guidance document for District staff for the use of the Board Room.

District staff have worked with General Legal Counsel and ACWA/JPIA, the District’s insurer, to develop a new streamlined application and permit for use of the Board Room which allows for the Board Room to continue to serve as a community center for local stakeholders and protect the District in the event of damages to the facility.

Update from December 16, 2021 Regular Board Meeting

This item was first presented to the Board of Directors at the regular meeting in December 2021. Based on that discussion, staff worked with General Counsel to incorporate input received into the revised application and permit form included as Exhibit 1. The revised proposed form includes private event hourly rates that more accurately reflect the cost to reimburse the District for staff time dedicated to support events, and a revision to the Security/Cleaning Deposit.

Since the proposed Application and Permit form is intended to replace the existing procedures for using the District’s facility, the recommended action also includes the rescission of the existing Facility Use Policy.

FUNDING SOURCE:

Not applicable

FISCAL IMPACT:

Potential revenue due to private event rentals

ENVIRONMENTAL COMPLIANCE:

Not applicable

COMMITTEE STATUS:

This matter was first reviewed with the Executive Committee at its December 7, 2021 meeting.

RECOMMENDED ACTION:

Recommend the Board of Directors approve the proposed Board Room Use Application and Permit as revised and rescind the Facility Use Policy adopted on February 21, 2007. (Action Calendar).

EXHIBITS:

1. Proposed Administrative Facility Board Room Use Application and Permit (as revised from December 16, 2021 Regular Board Meeting).



Board Room Use Application and Permit Terms and Conditions

1. Limitations. The Permit is limited to the above-specified premises, purposes, dates, time, and duration. Trabuco Canyon Water District (TCWD or District) makes these facilities available for public use as a public service and reserves the right to approve or deny applications in the General Manager's, or designee's, sole discretion.

2. Compliance with Rules; Supervision. Permittee must comply with and cause its employees, officers, agents, representatives, licensees, volunteers, and invitees (collectively, "**Permittee's Invitees**") to comply with and be subject to all these Terms and Conditions, and with any and all instructions and directions of authorized agents of Trabuco Canyon Water District ("**District**"). Permittee shall continuously supervise and control Permittee's Invitees. Each person entering the Premises under this Permit will be considered to be acting as Permittee's agent and enters at their own risk.

3. Inspection. The District representatives may enter and inspect the facilities at any time, without notice.

4. Reservations. Reservations are handled on a first come, first served basis. No user or group may use a given facility more than one time per month.

5. Alcoholic Beverages. The District reserves the right to determine whether or not alcoholic beverages may be served. Alcoholic beverages must not be or served to anyone who is under 21 years of age. If serving alcohol, Permittee must obtain and provide proof of Alcohol Liability Insurance and onsite security detail acceptable to the District.

6. Prohibitions

- a) No Discrimination. Groups using the facility must not discriminate against anyone with regard to race, creed, color, or national origin.
- b) No Sports. Sporting activities, events, or competitions are not permitted.
- c) No Political Events. Political events are not permitted.
- d) No Worship. Facilities may be used by religiously based organizations, however, meetings or activities involving chanting, worship, or prayer are not permitted.

e) Material Posting and Distribution. No signs, posters, handbills or fliers may be displayed, posted or distributed inside or outside the facilities without the District's prior approval. Approved materials must be removed at the conclusion of the meeting.

f) No Animals. Animals are not allowed at or inside any facility, except service animals.

7. Disclaimer. The following disclaimer must be included in any published announcement about this event:

"Trabuco Canyon Water District makes its facilities available for use by residents and non-profit organizations merely as a public service, but does not, by allowing this use, endorse or support the purpose of the event or its sponsor."

8. Assumption of Risk; Waiver. Permittee assumes the risk of bodily injury or death, or damage to property, for Permittee and Permittee's Invitees. Permittee waives any claims, causes of action and demands, including those for any bodily injury, wrongful death, or property damage, that Permittee may have, now or in the future, against the District and all the District's directors, officers, employees, agents, representatives, affiliates, sponsors, volunteers, and their respective employees ("**District Parties**") arising out of use of the Premises. Permittee acknowledges that the District Parties will not be responsible or liable for any injury (including death), damage, loss, or expense, to their person or property incurred as a result of Permittee or Permittee's Invitees using the Premises, and Permittee covenants not to sue the District or District Parties.

9. Possible COVID-19 and Other Health Risks. State and local authorities have imposed certain restrictions and made certain recommendations regarding personal protective measures (including avoiding certain non-essential activities, engaging in social distancing, and wearing masks) to mitigate the spread of and minimize the likelihood of contracting COVID-19. Permittee understands that entering the Premises may subject Permittee to risks related to COVID-19, including, but not limited to, coming in contact with persons who may have COVID-19 and/or contracting COVID-19. Permittee voluntarily assumes the risk of Permittee or Permittee's Invitees being exposed to COVID-19 by using the Premises, and the risk that exposure may result in personal injury, illness, permanent disability, or death.



Board Room Use Application and Permit Terms and Conditions

10. Warranty; Duty. The District makes no representation that the Premises are fit for any particular use, including Permittee's intended purposes specified above, nor that the Premises are free from defects, conditions or risks. Permittee has inspected or will inspect the Premises and accepts the Premises "AS IS." District will have no duty to inspect the Premises or to warn any person of any latent or patent defect, condition, or risk that may be encountered in Permittee's use of the Premises under the Permit.

11. Responsibility for Premises. Permittee shall close all doors and lock all locks when leaving the Premises at the end of each day and during any times when it is not using the Premises. Permittee shall not remove any property from the Premises without the District's express prior consent. Upon expiration or termination of the Permit, Permittee shall restore the Premises to the condition of Premises prior to Permittee's entry. Permittee will be liable for and shall pay to the District the cost of repairing all damage of any kind whatsoever to the Premises and any District property or facilities, landscaping and structures, including damage and expense from the loss of use, arising from or related to any acts or omissions of Permittee or Permittee's Invitees, unless the foregoing are held by a court of competent jurisdiction to have been caused solely by the gross negligence or willful misconduct of District.

12. Fee. District does not charge fees for use of its Board Room for Non-Profit users. Private events are charged an hourly rate for use of the Board Room subject to availability and District approval. Applicant shall not charge for entrance to the facilities and shall not solicit contributions. Furthermore, no products, services, food, or beverages may be sold at the Premises.

13. Release and Indemnity. Permittee hereby releases the District from liability for, and Permittee shall indemnify, defend and hold District and its employees, officers, agents, representatives, licensees, and invitees, and its and their respective successor and assigns (collectively, the "Indemnitees") harmless from and against, any and all claims, losses, liabilities, costs and expenses, including attorney's fees (collectively, the "Claims") for damage to real, personal, tangible or intangible property (including Permittee's Invitees) including loss of use of any such property, and all Claims for bodily injury, sickness disease or death of any person (including any Permittee's Invitees), arising from or in any way related to (i) any entry upon the Premises or other activity under the Permit by Permittee or Permittee's Invitees or (ii) any breach by Permittee of its obligations under the Permit, unless and to the extent any of

the foregoing are held by a court of competent jurisdiction to have been caused solely by the gross negligence or willful misconduct of the Indemnitees.

14. General Liability Insurance. District reserves the right to require Permittee to provide general liability insurance for the event. If required by the District, prior to any entry under the Permit, Permittee shall furnish District with a policy or certificate of comprehensive general liability insurance carried by Permittee, covering the occurrences described in Paragraph 8 hereof regardless of when any Claims respecting such occurrences are made, endorsed to include the District as additional insured and including a 10-day notice to District in the event of cancellations or any material change in coverage. In addition, this insurance as respects any claim, loss or liability arising directly or indirectly from Permittee's activities under the Permit, and any other insurance maintained by District must be considered noncontributing. This liability insurance must be in a form satisfactory to District and written with limits of liability no less than the greater of \$2,000,000 (or for such greater amount as may reasonably be required by the District) combined single limit of liability carried by Permittee. If Permittee carries more liability insurance than the minimum amount required above, the certificate or policy delivered to District must evidence this greater amount. District will not be responsible for any costs of premiums or other charges for such insurance. Nothing in this paragraph will limit Permittee's obligations under these Terms and Conditions.

15. Non-Transferability. The Permit cannot be transferred or assigned by Permittee.

16. Termination. The Permit is revocable at any time at the sole option and discretion of District, and Permittee shall peaceably surrender the Premises upon written or oral demand given by District or its authorized representative to Permittee or any of Permittee's Invitees. Permittee will not hold the District liable for any costs, damages, or other expenses if the District exercises its discretion and revokes the Permit. The obligations and liabilities of Permittee under Paragraph 9 of these Terms and Conditions shall survive the expiration or termination of this Permit.

17. Other Special Conditions. Permittee agrees to all special conditions for the applicable facility, as described below.



Board Room Use Application and Permit Terms and Conditions

SPECIAL CONDITIONS – BOARD ROOM

1. **Operating Hours.** The facility is generally open from 5 p.m. to 10 p.m. Monday – Friday, and 8 a.m. to 10 p.m. on weekends subject to availability and District approval.

2. **Capacity.** The capacity of the Board Meeting is 50 people if the room is set up classroom style. 80 people with standing room only. At the District's sole option and discretion, capacity may be restricted at any time to comply with State and local regulations, including but not limited to COVID-19.

3. **Keys.** The District will provide a key card/fob for entry to the Board Room at its discretion. District will only provide a key card/fob to the Permittee or its representative authorized in writing. Permittee must notify the District in advance if the Permittee's representative has been authorized.

Private event users will not be issued a key card/fob and will be provided facility access by a District representative.

4. **Parking.** Parking areas are only for vehicle parking and may not be used by Permittee and Permittee's Invitees for other purposes. The District reserves the right to restrict parking to assigned areas of the parking lot. The District encourages carpooling. Do not remove the parking barriers. Permittee must not reserve spaces for itself or its invitees or cover the handicap parking signs in anyway. Parking spaces are available to other users.

5. Prohibitions

- No dogs or other animals, except for service animals. Proof of registration as a service animal must be made available to the District upon request.
- No food trucks or mobile video game trailers are allowed.
- No inflatables, bounce houses, jumpers/trampolines, water slides or E-Z Up canopies/pop up shade structures are allowed.
- No organized games, activities, or music is allowed outside of the Administrative Facility. This includes the patio areas. Climbing trees is also prohibited.
- No outside heat sources.
- Do not tape, staple, nail, or pin decorations to the walls.

6. Cleanup Requirements

- Wipe down tables and chairs and return them to storage rooms (cleaning supplies are not provided).
- All trash must be removed from the Board Room. Please place full trash bags inside the trash dumpsters located in the parking lot and make sure the lid is closed.
- Turn off temperature timer for the heater/air conditioner before leaving.
- Remove all decorations before departing the Board Room as well as any signage or balloons.
- Turn off all lights.
- Lock all doors and vacate the Premises by 10 p.m.

7. **Private Event Rates** The Board Room is available for Private Events, and the hourly rental rates are as follows:

Customer		Non-Customer	
Weekday	Weekend	Weekday	Weekend
\$115.00	\$135.00	\$160.00	\$185.00

Weekend use requires a minimum four-hour rental.

All private events require a security/cleaning deposit payable to the District prior to the event date.

Security/Cleaning Deposit: \$500

8. **Equipment.** A/V equipment is available for public use with prior coordination with District staff. District staff will review equipment operation with Permittee prior to scheduled event. Please ensure all A/V equipment is turned off when you leave the room.

**TRABUCO CANYON WATER DISTRICT
EXECUTIVE COMMITTEE MEETING | JANUARY 10, 2022**

DISCUSSION MATTERS

ITEM 3: BOARD AGENDA PLANNING CALENDAR

Information will be presented at the time of the meeting.

RECOMMENDED ACTION:

Committee to discuss information at the time of the Executive Committee Meeting and take action(s) as deemed appropriate.

**TRABUCO CANYON WATER DISTRICT
EXECUTIVE COMMITTEE MEETING | JANUARY 10, 2022**

OTHER MATTERS

ITEM 4: REPORTS OR COMMENTS FROM THE GENERAL MANAGER AND/OR STAFF

Other matters may have arisen after the posting of the agenda and will be brought forward for discussion and/or information at the time of the Executive Committee.

RECOMMENDED ACTION:

Hear other matters from the General Manager and/or Staff.