

**ADJOURNED BOARD MEETING  
OF THE  
BOARD OF DIRECTORS  
TRABUCO CANYON WATER DISTRICT  
MARCH 26, 2012**

The Adjourned Board Meeting of the Board of Directors of the Trabuco Canyon Water District (TCWD) was called to order by President Mandich at 6:05 p.m. at Trabuco Canyon Water District's office located at 32003 Dove Canyon Drive, Trabuco Canyon, California. Mrs. Teresa Teichman, Secretary to the Board of Directors, recorded and transcribed the minutes thereof.

**DIRECTORS PRESENT**

Ed Mandich, President  
Jim Haselton, Vice President  
Glenn Acosta, Director  
Mike Safranski, Director

**DIRECTORS ABSENT**

Matt Disston, Director

**STAFF PRESENT**

Don Chadd, General Manager  
Hector Ruiz, District Engineer  
Teresa Teichman, Secretary to the Board of Directors  
Michael Perea, Special Projects Manager

**LEGAL COUNSEL PRESENT**

Robert Anslow, General Legal Counsel  
Melanie Poturica, Special Legal Counsel, Liebert, Cassidy, & Whitmore

**PUBLIC PRESENT**

There were several members of the public present.

**PLEDGE OF ALLEGIANCE**

Director Safranski led the Board and Staff in the pledge of allegiance.

**VISITOR COMMENTS**

There were no visitor comments.

**ORAL COMMUNICATION**

A member of the public addressed the Board legal fees. The same person then asked if meetings held in the boardroom are videoed or recorded since he sees camera equipment in

the corner of the room. Mr. Robert Anslow, District Legal Counsel, replied that tonight's testimony will be recorded by the court reporter for transcription purposes only.

Another member of the public addressed the Board and began to state that she had previously worked for this District but had resigned. She was invited to reduce her comments to writing and submit to the Board if she desired.

#### **DIRECTOR'S COMMENTS**

There were no Director comments.

#### **REPORT FROM THE GENERAL MANAGER**

There was no report from the General Manager.

#### **OTHER MATTERS**

Mr. Chadd stated there were no other matters.

#### **ADDITIONAL DIRECTORS' COMMENTS**

There were no additional Director comments.

#### **ADDITIONAL GENERAL MANAGER COMMENTS**

There were no additional General Manager comments.

#### **CLOSED SESSION**

District General Legal Counsel, Robert Anslow, indicated that the Board would be continuing the open session portion of the appeal proceedings continued from the District Board meeting of March 21, 2012. Mr. Anslow indicated that a portion of the meeting would be conducted in open session pursuant to the provisions of Government Code Section 54957(b)(2) and that a portion of the meeting may be conducted in closed session pursuant to Government Code Section 54957 - Employee Discipline/ Dismissal/Release. Mr. Anslow indicated that the open session portion of the meeting would be subject to recordation by a court reporter. Mr. Anslow noted that this phase of the appeal proceedings would be conducted in Building 1 (building housing the Board Meeting Room). Mr. Anslow indicated that if reached by the Board, a closed session would be conducted within Building 2, involving the Board of Directors, District General Legal Counsel and District Special Employment Legal Counsel (Melanie Poturica) which would be conducted in Building 2 and that during the closed session no other persons or parties would be authorized to enter Building 2.

Mr. Anslow indicated that witnesses expected to be called during the appeal proceedings would remain in Building 2 until called. He stated that members of the public are not permitted entry into Building 2 during the appeal proceedings.

#### **Introduction of Parties and Counsel**

Following the aforementioned statements, Mr. Anslow introduced himself and requested that the involved members of the Board, staff, and legal counsel introduce themselves for purposes of recognition of the court reporter. Legal Counsel to the District, Board Members, the

appearing parties, and legal counsel for the appearing parties all introduced themselves for the court reporting record.

#### **Admonitions to Parties and Counsel**

Mr. Anslow stated that all involved parties are advised that the limitations set out in the notice to parties, dated March 12, 2012, would continue to apply to the adjourned regular meeting of the Board and the appeal proceedings. Also, all findings and rulings of the Board, and the previously stated standards for evidence, would continue to apply to this adjourned regular Board Meeting and the appeal proceedings. Involved counsel and parties of the appeal proceedings were expressly reminded that any reference to any District employee not directly involved in the appeal proceedings and not involved as a witness is a violation of the District's personnel policies and may constitute a violation of that person's legal privacy rights.

Mr. Anslow addressed the parties and counsel to parties involved in the appeal proceedings directing, on behalf of the Board, that arguments and evidence to be presented would be limited to the appeal of the suspension at issue.

#### **Withdrawal of Witnesses**

Mr. Anslow directed that witnesses, not involved in the proceedings as parties, would be excluded from Building 1 during the open session portion of the appeal proceedings. Identified witnesses, including Mr. Don Chadd, Mr. Hector Ruiz, and Ms. Melanie Inskeep left Building 1 for Building 2 during this portion of the meeting.

#### **Admonitions to Members of the Public**

Mr. Anslow stated for members of the public that members of the public who may be present during the Board appeal proceedings are advised they are not allowed to interrupt, provide comments, ask questions, or otherwise interfere with witnesses or the proceedings during the appeal proceedings. Members of the public who may be present during the Board appeal proceedings were requested to observe decorum during such proceedings.

#### **Continued Appeal Proceedings**

Following the foregoing announcements, the Board recommenced the adjourned appeal proceedings conducted pursuant to the Brown Act, as referenced above. The appeal proceedings recommenced at approximately 6:42 pm.

Counsel for Respondent and Appellant were allowed to briefly re-summarize their initial opening arguments to the Board. Both counsel for Respondent and counsel for Appellant presented re-caps of their opening arguments.

Following completion of the opening argument re-caps, direct testimony proceeded with the testimony of District General Manager, Mr. Don Chadd. Direct, cross-examination, re-direct and re-cross-examination questions were presented to Mr. Chadd.

The specific testimonial evidence, submitted documentary evidence, objections, and rulings thereon, and other questions and comments raised during the appeal proceedings, were

recorded through the services of a court reporter. The full transcript of the appeal proceedings was recorded through a court reporting service. Such transcript is available from the District upon request, but subject to transcription fees for receipt of a written transcript.

At approximately 9:10 pm, Mr. Chadd's testimony concluded. At this time, counsel for Appellant, counsel for Respondent, counsel for the Board and the District, and Board members discussed timing of additional witnesses and the possibility of a further continuance of the proceedings.

**Adjournment of Hearing and Meeting**

Following discussion, the Board directed that the adjourned Regular Board meeting of March 26, 2012, would be adjourned to an adjourned Regular Meeting of the Board of Directors to be conducted on April 9, 2012, commencing at 6:15 p.m. at the District's Administrative Facility located at 32003 Dove Canyon Dr., Trabuco Canyon, California. Mr. Anslow indicated that he would provide written notice of the continuance to counsel for both of the involved parties.

Mr. Anslow noted that because of the nature of the continued appeal proceedings, that there was no announcement to make at this time pursuant to the Ralph M. Brown Act, including, but not limited to, Government Code Section 54957.

Following direction of adjournment of the meeting, the meeting was adjourned by the Board at approximately 9:17 p.m.

**ADJOURNMENT**

At 9:17 p.m. President Mandich adjourned the March 26, 2012, Adjourned Board Meeting.  
Respectfully Submitted,

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Michael Perea  
District Secretary

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