

**THE SPECIAL BOARD MEETING
OF THE
BOARD OF DIRECTORS
TRABUCO CANYON WATER DISTRICT
APRIL 9, 2012**

The Special Board Meeting of the Board of Directors of the Trabuco Canyon Water District (TCWD) was called to order by President Mandich at 6:15 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

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

PARTIES/COUNSEL FOR APPEAL HEARING PRESENT:

Special Projects Manager/Human Resources Manager, Michael Perea – District Representative
District Special Employment Legal Counsel, Judith Islas (Liebert Cassidy Whitmore – Appearing as Counsel for Respondent Trabuco Canyon Water District)

Appellant – Teresa Teichman
Attorney Margot Nelson (Law Offices of Margot Nelson - Appearing as Counsel for Appellant – Teresa Teichman)

PUBLIC PRESENT

There were several members of the public present.

PLEDGE OF ALLEGIANCE

Vice President Haselton led the Board and Staff in the pledge of allegiance.

VISITOR COMMENTS

There were no visitor comments.

ORAL COMMUNICATION

There was one oral communication from a member of the public. The member asked questions relating to the title and timeframe for each TCWD Director position from 1990 through current along with the names of the General Manager for the same time period. The discussion resulted in the information request being provided to the Board President as a Public Record request.

DIRECTOR'S COMMENTS

Director Safranski read a prepared statement which addressed his concerns as it relates to the matter on the agenda before the Board of Directors tonight. Director Safranski expressed his concern relating to the number of Board meetings, the amount of time spent by Staff and the cost to the District in transcription and legal fees over the period of several months. Director Safranski indicated it was his understanding the facts would be stated from the two parties involved and the Board of Directors would make a determination. Director Safranski stated that the legal arguments and opinions are not completely understood by the Board, as that is not their area of knowledge, and it was neither his understanding nor intent to have this type of legal proceedings conducted at this level. Director Safranski implored legal counsels and all parties to stay focused on the issue and proceed as quickly as possible tonight in presenting information.

Director Acosta stated he agrees with Director Safranski's comments relating to the need to expedite this matter and complete the proceedings at tonight's meeting. Director Acosta acknowledged the Directors have a fiduciary responsibility to the District to accept information in an unbiased nature, however; there is a concern with the amount of time and money this employee matter is costing the District.

Vice President Haselton made a statement that he agrees with both Directors Acosta and Safranski as it relates to the amount of time and money the District has spent on the employee issue. Director Haselton expressed his hopes that everyone can keep a cool head during the proceedings and that he hopes the Board is able to make an unbiased decision at the end of the evening tonight.

Director Acosta stated, if for some reason, the proceedings do not complete tonight, he is willing to give up a Saturday and suggested that his fellow Board members and Legal Staff consider spending as much time as would be required on a Saturday to bring closure to these meetings.

President Mandich had prepared information which expressed all of the aforementioned concerns stated by the other Directors. President Mandich reminded all parties that this Board of Directors had recently taken a position on this subject matter.

REPORT FROM THE GENERAL MANAGER

There was no report from the General Manager.

OTHER MATTERS

Mr. Chadd stated there were no other matters.

CLOSED SESSION (PUBLIC SESSION)

President Mandich turned the meeting over to Mr. Rob Anslow, District General Legal Counsel at 6:28 p.m.

Appeal Proceedings (Employee Discipline/Dismissal/Release)

Announcements from Legal Counsel:

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 meetings of March 21, 2012 and March 26, 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.

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 6:28 pm.

The appeal proceedings continued with the continued presentation of Respondent's witnesses and evidence.

The continued appeal proceedings began with the direct examination, cross examination, redirect examination and re-cross examination of District Engineer, Mr. Hector Ruiz.

Following the conclusion of testimony by Mr. Hector Ruiz, direct examination, cross examination, redirect examination and re-cross examination occurred for District Special Project Manager/Human Resources Manager, Mr. Michael Perea.

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.

Adjournment of Hearing and Meeting

Following discussion, and a renewed expression of the Board's desire to continue the appeal proceedings in a diligent manner, the Board directed that the adjourned Regular Board meeting of April 9, 2012, would be adjourned to an adjourned Regular Meeting of the Board of Directors to be conducted on April 17, 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 9:50 p.m.

ADJOURNMENT

Respectfully Submitted,

Michael Perea
District Secretary

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