

**THE ADJOURNED REGULAR BOARD MEETING
OF THE
BOARD OF DIRECTORS
TRABUCO CANYON WATER DISTRICT
APRIL 25, 2012**

The Adjourned Regular 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

Robert 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

President Mandich led the Board and Staff in the pledge of allegiance.

VISITOR COMMENTS

There were no visitor comments.

ORAL COMMUNICATION

There no oral communication.

DIRECTOR'S COMMENTS

Director Acosta stated he is rather disappointed as it relates to the situation which occurred regarding Brown Act posting requirements not being met for the April 23rd Adjourned Regular Board Meeting. Director Acosta further expressed his dissatisfaction with the lack of efficiency and communication between District staff. Director Acosta expressed his sentiment as it relates to these employee related proceedings and the associated costs. Director Acosta requested that the attorneys proceed as expeditiously as possible in an effort to minimize cost to the District.

Director Safranski apologized to Counsel, the Public, and Staff as it relates to the circumstances in reconvening the adjourned meeting from April 23, 2012. Director Safranski commented that he would not have invested fourteen hours into these proceedings if he felt he could not be fair.

Vice President Haselton made a statement that he agrees with both Directors Acosta and Safranski's comments. Director Haselton further stated that in the back of the Board's mind, especially after Monday night, the Board is concerned about having to answer to the ratepayers relating to the costs of these proceedings.

President Mandich stated he agrees with all of the aforementioned concerns stated by the other Directors. President Mandich asked that all parties stay focused on the suspension and the terms of the appeal and not get off track.

REPORT FROM THE GENERAL MANAGER

Mr. Don Chadd, General Manager, extended his apologies and advised staff is currently discussing how this posting error occurred. Mr. Chadd stated there have been no Brown Act violations during his term as General Manager and he does not anticipate it will occur again.

OTHER MATTERS

Mr. Chadd stated there were no other matters.

CLOSED SESSION (PUBLIC SESSION)

President Mandich turned the meeting over to Mr. Anslow, District General Legal Counsel at 6:27 p.m.

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; March 26, 2012; April 9, 2012, April 17, 2012 and April 23, 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 6:30 PM.

The appeal proceedings continued with the continued presentation of Appellant's witnesses and evidence. The appeal proceedings consisted of additional reexamination and re-cross examination of District employee Teresa Teichman. Following conclusion of testimony by Teresa Teichman, additional cross-examination and redirect testimony of District General Manager Don Chadd was conducted.

Following conclusion of Mr. Chadd's testimony, presentation of testimonial evidence was concluded.

Following conclusion of testimonial evidence, closing arguments by both parties to the appeal proceedings were presented to the Board. The initial closing argument was presented by counsel of Respondent, Judith Islas. Following conclusion of Respondent's closing argument, Appellant's closing arguments, represented by Ms. Margot Nelson, counsel to Appellant, were presented.

Following conclusion of closing arguments, the Board members met in closed session in District Building No. 2, with District General Legal Counsel, Mr. Robert E. Anslow and Special Employment Legal Counsel to the Board, Ms. Melanie Poturica. Mr. Anslow provided a statement concerning the closed session portion of the meeting and the legal authority therefore. This closed session commenced at approximately 8:10 PM.

At approximately 10:07 PM, the Board reconvened from a closed session in the Board meeting room in Building No. 1 of the District's Administrative Facilities. At such time, District General Legal Counsel, Mr. Robert E. Anslow, indicated that the Board had met with District General Legal Counsel and Special Employment Legal Counsel to the Board pursuant to Government Code Section 54957. Mr. Anslow indicated that there was no other announcement to be made at that time.

Adjournment of Meeting

Following the statement provided by District General Legal Counsel, Mr. Robert E. Anslow, concerning the closed session, the Board meeting was adjourned at approximately 10:09 PM

Respectfully Submitted,

Michael Perea
District Secretary

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