

I hereby certify that the following agenda was posted at least 72 hours prior to the time of the meeting so noticed below at 24251 Los Alisos Boulevard, Lake Forest, California.



DENNIS P. CAFFERTY, Secretary of the
El Toro Water District and the Board of
Directors thereof

AGENDA
EL TORO WATER DISTRICT
REGULAR MEETING OF THE
BOARD OF DIRECTORS

May 28, 2020

7:30 a.m.

This Meeting is being conducted in accordance with Governor Newsom's Executive Order N-29-20 (Paragraph 3) and the conditions specified therein which waive certain provisions of the Brown Act.

In an effort to protect public health and prevent the spread of COVID-19 (Coronavirus), and in accordance with the Governor's Executive Order N-29-20, **there will be no public location for attending in person.**

The Order allows all Board Members to participate telephonically in the Meeting from remote locations. As such, Directors Monin, Gaskins, Vergara, Freshley and Havens will be participating telephonically.

Members of the public who wish to comment on any item within the jurisdiction of the District or on any item on the agenda, may observe and address the Meeting by joining at this link: <https://us02web.zoom.us/j/85384178868>. (Meeting ID: 853 8417 8868). Members of the public who wish only to listen to the telephonic meeting may dial in at the following numbers (669) 900-6833 or (346) 248-7799 with the same Meeting ID noted above.

CALL MEETING TO ORDER – President Monin

PLEDGE OF ALLEGIANCE – Director Havens

ORAL COMMUNICATIONS/PUBLIC COMMENTS

Members of the public may address the Board at this time or they may reserve this opportunity with regard to an item on the agenda, until said item is discussed by the Board. Comments on other items will be heard at the time set aside for “COMMENTS REGARDING NON-AGENDA ITEMS.” The public may identify themselves when called on and limit their comments to three minutes.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize items which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present.)

1. CONSENT CALENDAR

(All matters under the Consent Calendar will be approved by one motion unless a Board member or a member of the public requests separate action or discussion on a specific item)

- a. Consider approving the minutes of the April 23, 2020 Board meeting (Minutes Included)
- b. Consider approving the minutes of the May 7, 2020 Special Board meeting (Minutes Included)

Recommended Action: The Board will be requested to approve the subject minutes.

APPROVAL OF ITEMS REMOVED FROM TODAY’S CONSENT CALENDAR

The Board will discuss items removed from today’s Consent Calendar requiring further discussion.

Recommended Action: The Board will be requested to approve the items removed from today’s Consent Calendar.

2. Quarterly Review of the District’s 401(k) Retirement Savings Plan (Reference Material Included)

A HighMark representative will review and comment on the investment performance of the District’s 401(k) Retirement Savings Plan.

3. **Director Reports for Meetings Attended** (Oral Report)

GENERAL MANAGER ACTION ITEMS

4. **Resolution No. 20-5-1 Amending the Directors Compensation Policy Statement 1993-10 (IV)** (Reference Material Included)

Staff will review and comment on Resolution No. 20-5-1 which amends the Directors Compensation Policy Statement 1993-10 (IV).

Recommended Action: Staff recommends that the Board adopt Resolution No. 20-5-1 which amends the Directors Compensation Policy Statement 1993-10 (IV).

RESOLUTION NO. 20-5-1
OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
AMENDING THE DISTRICT'S
DIRECTORS COMPENSATION POLICY
1993-10 (IV)

5. **COVID-19 Update**

Staff will provide an update on the status of the District response to the COVID-19 pandemic. Staff will provide a further update on the utilization of the Emergency Administrative Leave originally authorized at the March 23, 2020 Board Meeting and extended at the April 23, 2020 Board Meeting. The Employee Handbook, as amended, authorizes 160 hours per employee and requires Board approval for extensions of Emergency Administrative Leave.

Recommended Action: Staff recommends the Board of Directors grant the General Manager discretion to extend the use of Emergency Administrative Leave, as necessary up to 160 hours per employee, until the June 25 meeting of the Board of Directors.

GENERAL MANAGER INFORMATION ITEMS

6. **General Manager's Monthly Report** (Report Included)

Staff will review and comment on the General Manager's Monthly Report.

7. **Legislative Reports** (Reference Materials Included)

Staff and General Counsel will review and comment on the Legislative reports.

8. **Public Education and Outreach & Water Conservation Reports**
(Reference Material Included)
9. **SOCWA Reports** (Reference Material Included)
 - a. SOCWA Managers Meeting – May 6, 2020
 - b. SOCWA Special Finance Committee Meeting – May 12, 2020
 - c. SOCWA Budget Meeting – May 21, 2020
10. **Municipal Water District Of Orange County (MWDOC) Report**
(Reference Material Included)
 - a. MWDOC Planning & Operations – May 4, 2020
 - b. MWDOC/MET Directors Workshop – May 6, 2020
 - c. MWDOC Administration & Finance Committee – May 13, 2020
 - d. MWDOC Public Affairs & Legislation – May 18, 2020
 - e. MWDOC Board Meeting – May 20, 2020
 - f. MWDOC Managers Meeting – May 21, 2020
11. **Local Agency Formation Commission (LAFCO) Report**
 - a. Report on the May 13, 2020 meeting
12. **South Orange County Watershed Management Area (SOCWMA) Management and/or Executive Committee Report**

There was no meeting.
13. **ISDOC Meetings** (Reference Material Included)

There was no meeting.
14. **WACO Meetings** (Reference Material Included)
 - a. Report on the May 1, 2020 WACO Meeting
 - b. Report on the May 19, 2020 WACO Planning Committee meeting
15. **City Coordination Efforts**
 - a. Report on the May 27, 2020 Lake Forest Quarterly Utility Coordination meeting.

COMMITTEE AND GENERAL INFORMATION

16. Dates to Remember for May/June 2020 (Reference Material Included)

COMMENTS REGARDING NON-AGENDA ITEMS

ATTORNEY REPORT

CLOSED SESSION

At this time the Board will go into Closed Session as follows:

1. At this time, the Board will go into Closed Session pursuant to Government Code Section 54956.9 (d) (1) to consult with legal counsel and staff on a matter of pending litigation. [Class Action] *Kessner et al. v. City of Santa Clara, et al.* (Santa Clara County Superior Court - Case No. 20 CV 364054.)
2. At this time, the Board will go into Closed session pursuant to Government Code Section 54956.9 (d) (2) to consult with legal counsel and staff - potential litigation (one matter).
3. At this time, the Board will go into Closed Session pursuant to Government Code Section 54956.9 (d) (2) to consult with legal counsel and staff regarding a Claim dated May 8, 2020 filed by Saddleback Valley Dental Associates.

REGULAR SESSION

REPORT ON CLOSED SESSION (Legal Counsel)

Mr. Granito will provide an oral report on the Closed Session.

ADJOURNMENT

Recommended Action: The Board will be requested to take action adjourning today's Board meeting to **Thursday, June 25, 2020 at 7:30 a.m.** at the El Toro Water District, 24251 Los Alisos Boulevard, Lake Forest, California.

The agenda material for this meeting is available to the public at the District's Administrative Office, which is located at 24251 Los Alisos Blvd., Lake Forest, Ca. 92630. If any additional material related to an open session agenda item is distributed to all or a majority of the board of directors after this agenda is posted, such material will be made available for immediate public inspection at the same location.

Request for Disability-Related Modifications or Accommodations

If you require any disability-related accommodation, including auxiliary aids or services, in order to participate in this public meeting, please telephone the District's Recording Secretary, Polly Welsch at (949) 837-7050, extension 225 at least forty-eight (48) hours prior to said meeting. If you prefer, your request may be submitted in writing to El Toro Water District, P.O. Box 4000, Laguna Hills, California 92654, Attention: Polly Welsch.