

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 FINANCE AND INSURANCE COMMITTEE MEETING AND ENGINEERING COMMITTEE MEETING

November 23, 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/86895758948>. (Meeting ID: 868 9575 8948). 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. Please be advised the Meeting is being recorded.

CALL TO ORDER – President Monin

PLEDGE OF ALLEGIANCE – Director Freshley

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 times set aside for “COMMENTS REGARDING NON-AGENDA ENGINEERING COMMITTEE ITEMS” or for “COMMENTS REGARDING NON-AGENDA FIC 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 item(s) 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.)

PRESENTATION OF AWARDS, RECOGNITIONS AND INTRODUCTIONS

a. Introduction of New Employee

1. Mr. Cafferty will introduce to the Board Scott Hopkins, Operations Superintendent.

FINANCE AND INSURANCE COMMITTEE MEETING

CALL MEETING TO ORDER – Director Vergara

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 October 19, 2020 Finance and Insurance Committee meeting (Minutes Included)
- b. Consider renewing the District’s membership in California Association of Sanitation Agencies (CASA) in the amount of \$13,600 for calendar year 2021. The membership dues for 2020 were \$13,370.

- c. Consider renewing the District's membership in California Special Districts Association (CSDA) in the amount of \$7,805 for calendar year 2021. The membership dues for 2020 were \$7,615.
- d. Consider renewing the District's membership in American Water Works Association (AWWA) in the amount of \$2,289 for calendar year 2021. The membership dues for 2020 were \$2,223.

Recommended Action: The Board will be requested to approve the subject minutes and membership renewals listed above in the Consent Calendar.

APPROVAL OF ITEMS REMOVED FROM TODAY'S FINANCE AND INSURANCE COMMITTEE CONSENT CALENDAR

The Board will discuss items removed from today's Finance and Insurance Committee Consent Calendar requiring further discussion.

Recommended Action: The Board will be requested to approve the items removed from today's Finance and Insurance Committee Consent Calendar.

FINANCIAL INFORMATION ITEMS

2. **El Toro Water District OPEB GASB 75 Actuarial Valuation** (Reference Material Included)

Staff and Bartel Associates will review and comment on the ETWD Actuarial Valuation Update as of Measurement Date June 30, 2019 prepared by Bartel Associates. This is an update to the full actuarial valuation completed in 2019 for measurement date June 30, 2018.

3. **Tiered Water Usage and Revenue Tracking** (Reference Material Included)

Staff will review and comment on monthly and year to date Tiered Water Usage and Revenue tracking.

FINANCIAL ACTION ITEMS

4. **ETWD Comprehensive Annual Financial Report/Audit – Fiscal Year Ended June 30, 2020** (Reference Material Included)

Staff and the District's Independent Auditor, White Nelson Diehl Evans, LLP, will review and comment on the District's Comprehensive Annual Financial report (CAFR) – Audit for the fiscal year ended June 30, 2020.

Recommended Action: Staff recommends that the Board of Directors receive and file the District's Comprehensive Annual Financial Report (CAFR) – Audit for the fiscal year ended June 30, 2020.

5. **Financial Package - Authorization to Approve Bills for Consideration dated November 23, 2020 and Receive and File Financial Statements as of October 31, 2020** (Reference Material Included)

The Board will consider approving the Bills for Consideration dated November 23, 2020 and Receive and File Financial Statements as of October 31, 2020.

Recommended Action: Staff recommends that the Board 1) approve, ratify and confirm payment of those bills as set forth in the schedule of bills for consideration dated November 23, 2020, and 2) receive and file the Financial Statements for the period ending October 31, 2020.

6. **Amendments to the El Toro Water District Retirement Savings Plan and Deferred Compensation Plan** (Reference Material Included)

Staff will review and comment on the purpose for amending and restating the District's Retirement Savings Plan and Deferred Compensation Plan including a proposed amendment that will allow employees the choice to direct to the Deferred Compensation Plan the District match for deferrals made to the Deferred Compensation Plan as well as an amendment that will allow employees to take advantage of opportunities provided in the CARES Act.

Recommended Action: Staff recommends that the Board of Directors direct staff to prepare amendments, for approval by the Board, to the ETWD Retirement Savings Plan and ETWD Deferred Compensation Plan to 1) Allow employees the discretion to direct the District's matching funds from salary deferrals to the Retirement Savings Plan (401k) or to the Deferred Compensation Plan (457b); 2) Offer employees the option of Coronavirus-related distributions per the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act) and 3) make further amendments to align the Plans with current practice and law.

COMMENTS REGARDING NON-AGENDA FIC ITEMS

CLOSE FINANCE AND INSURANCE COMMITTEE MEETING

ENGINEERING COMMITTEE

CALL MEETING TO ORDER – Director Freshley

7. 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 October 19, 2020 Engineering Committee meeting. (Minutes Included)

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

APPROVAL OF ITEMS REMOVED FROM TODAY'S ENGINEERING COMMITTEE CONSENT CALENDAR

The Board will discuss items removed from today's Engineering Committee Consent Calendar requiring further discussion.

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

ENGINEERING ACTION ITEMS

There are no action items.

ENGINEERING GENERAL INFORMATION ITEMS

8. El Toro Water District Capital Project Status Report (Reference Material Included)

Staff will review and comment on the El Toro Water District Capital Project Status Report.

9. Engineering Items Discussed at Various Conferences and Meetings (Oral Report)

The Committee will discuss any pertinent Engineering items discussed at Conferences.

COMMENTS REGARDING NON-AGENDA ENGINEERING COMMITTEE ITEMS

CLOSE ENGINEERING COMMITTEE MEETING

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. *El Toro Water District v. Rossmoor Sanitation, Inc et al and Does 1through 50 inclusive- Orange County Superior Court- Case No. 30-2020-01152257-CU-OR—CJC.*
2. 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).*
3. 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. *The People of the State of California, acting by and through the Department of Transportation. Plaintiff, vs. Laguna Hills Investment Company, L.P., a Delaware Limited Liability Company, et al., inclusive of El Toro Water District and Does 1 through 20, inclusive. Defendants- Orange County Superior Court- Case No. 30-2020-01140132-CU-EI-CXC.*
4. At this time the Board will go into Closed Session pursuant to Government Code Section 54957(b)(1) to conduct the General Manager's annual performance evaluation.

REGULAR SESSION

REPORT ON CLOSED SESSION (Legal Counsel)

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

10. General Manager Compensation

Board Action: The District's Board of Directors will discuss and consider granting the District's General Manager a compensation increase in the amount and form as determined by the Board.

ADJOURNMENT TO 7:30 a.m., Monday, December 14, 2020.

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.