

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

December 16, 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/84474947039>. (Meeting ID: 844 7494 7039). 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 MEETING TO ORDER – President Monin

PLEDGE OF ALLEGIANCE – Director Vergara

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 November 24, 2020 Board meeting.

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. Director Reports for Meetings Attended (Oral Report)

GENERAL MANAGER ACTION ITEMS

3. **South County Agencies Group Meeting** (Reference Material Included)

- a. Report on the November 24, 2020 South County Agencies Meeting
- b. The Board will consider approving the Board President's assignment of Director Jose Vergara as the District's representative on the South County Agencies Group MET Director Selection Committee.

Recommended Action: Staff recommends that the Board approve Director Jose Vergara as the Board President's assignment as the District's representative at the South County Agencies Group MET Director Selection Committee.

4. **ELECTION OF OFFICERS** (Oral)

a. **Office of President**

Section V-4 of the Bylaws of the El Toro Water District provides that the office of Vice President shall automatically succeed to the office of President when the office of President or the current President's term of office has expired. Vice President Gaskins will therefore succeed to the office of President. The term of office of the President shall be for one (1) calendar year.

Recommended Action: The Secretary will administer the Oath of Office to the President of the El Toro Water District Board of Directors.

b. **Election of Vice President**

Section V-5 of the Bylaws of the El Toro Water District provides that the Board shall elect a Vice President at the Board's organizational meeting in December of each year. At this time the Board members will accept nominations for the office of Vice President of the El Toro Water District and the Board of Directors thereof.

Recommended Action: The Board will elect a Vice President for the Board of Directors of the El Toro Water District to serve for one year or until the election of their successor. The Secretary will administer the Oath of Office to the newly elected Vice President of the El Toro Water District Board of Directors.

c. **Appointment of Treasurer**

Section V-7 of the Bylaws of the El Toro Water District provides the Board of Directors the authority to appoint an officer for the office of Treasurer. At this time the Board will appoint the Treasurer of the El Toro Water District.

Recommended Action: Staff recommends the Board appoint Jason Hayden as the Treasurer of the El Toro Water District. The Secretary will administer the Oath of Office to the Treasurer of the El Toro Water District.

d. **Ratification of Existing Officer Appointments**

Section V-6 of the Bylaws of the El Toro Water District provides the Board of Directors the authority to appoint officers for the offices of Secretary and Assistant Secretary. The existing appointments are:

Secretary – Dennis Cafferty
Assistant Secretary – Judy Cimorell

Recommended Action: Staff recommends that the Board ratify the existing appointments for the offices of Secretary and Assistant Secretary.

5. **Resolution No. 20-12-3 Establishing Date, Time, And Place of Regular Board Meetings and Board/Engineering & Finance/Insurance Committee Meetings For Calendar Year 2021** (Reference Material Included)

Staff will review and comment on the schedule of date, time and place of Regular Board Meetings and Board/Engineering & Finance/Insurance Committee Meetings for calendar year 2021.

Recommended Action: Staff recommends the Board of Directors consider adopting Resolution No. 20-12-3 which establishes date, time and place of Regular Board Meetings and Board/Engineering & Finance/Insurance Committee Meetings for calendar year 2021.

RESOLUTION NO. 20-12-3

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ESTABLISHING DATE, TIME, AND PLACE OF
REGULAR BOARD MEETINGS AND
BOARD/ENGINEERING & FINANCE/INSURANCE COMMITTEE MEETINGS
FOR CALENDAR YEAR 2021

6. **Resolution No. 20-12-4 Approving the Updated ETWD Sewer System Management Plan** (Reference Material Included)

Staff will review and comment on the update of the District's Sewer System Management Plan to comply with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems as prescribed in the State Water Resources Control Board Order No. 2006-0003.

Recommended Action: Staff recommends that the Board of Directors adopt Resolution No. 20-12-4 which approves the updated El Toro Water District Sewer System Management Plan consistent with State Water Resources Control Board Order No. 2006-0003. Staff further recommends that the Board of Directors receive and file the SSMP document.

RESOLUTION NO. 20-12-4

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
APPROVING THE UPDATED EL TORO WATER DISTRICT
SEWER SYSTEM MANAGEMENT PLAN (SSMP)
AS PRESCRIBED IN
SWRCB ORDER NO. 2006-0003

7. **Resolution No. 20-12-5 Commemorating the Retirement of MWDOC/MET Director Larry McKenney from the Metropolitan Water District Board**
(Reference Material Included)

Staff will comment on Resolution No. 20-12-5 which commemorates Larry McKenney's service on the Metropolitan Water District of Southern California Board of Directors.

Recommended Action: Staff recommends that the Board of Directors adopt Resolution No. 20-12-5 commemorating the accomplishments and service of Larry McKenney.

RESOLUTION NO. 20-12-5

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
COMMEMORATING THE RETIREMENT OF
MWDOC/MET DIRECTOR LARRY MCKENNEY
FROM THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA BOARD OF DIRECTORS

8. **Resolution No. 20-12-6 Directors Compensation Policy** (Reference Material Included)

Staff will review and comment on an amendment to the Directors Compensation Policy to add health insurance as a benefit provided to the District's Board of Directors.

Recommended Action: Staff recommends that the Board of Directors consider Resolution No. 20-12-6 which proposes changes to the Directors Compensation Policy to add health insurance as a benefit provided to the District's Board of Directors.

RESOLUTION NO. 20-12-6

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
AMENDING THE DISTRICT'S
DIRECTORS COMPENSATION POLICY 1993-10 (IV)

GENERAL MANAGER INFORMATION ITEMS

9. **COVID-19 Update** (Reference Material Included)

Staff will provide an update on the status of the District response to the COVID-19 pandemic.

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

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

11. **Public Education and Outreach & Water Conservation Reports**
(Reference Material Included)

Staff and will review and comment on the Public Education and Outreach & Water Conservation Reports.

12. **SOCWA Reports** (Reference Material Included)

- a. SOCWA Finance Committee Meeting – December 8, 2020
- b. SOCWA Engineering Committee Meeting – December 10, 2020

13. **Municipal Water District Of Orange County (MWDOC) Report**
(Reference Material Included)

- a. MWDOC Administration & Finance Committee – December 9, 2020
- b. MWDOC Planning/Operations Meeting – December 14, 2020
- c. MWDOC Board Meeting – December 16, 2020

14. **Local Agency Formation Commission (LAFCO) Report**

- a. Report on the December 9, 2020 meeting.

15. **South Orange County Watershed Management Area (SOCWMA)
Management and/or Executive Committee Report**

- a. The December 7, 2020 Management Committee meeting was canceled.

16. **ISDOC Meetings** (Reference Material Included)

- a. Report on the December 1, 2020 ISDOC Executive Committee meeting.

17. **WACO Meetings** (Reference Material Included)
 - a. Report on the December 4, 2020 WACO meeting
 - b. Report on the December 15, 2020 WACO Planning Committee meeting

18. **City Coordination Meetings** (Reference Material Included)
 - a. Report on the November 25, 2020 Lake Forest Quarterly Utility Coordination Meeting

COMMITTEE AND GENERAL INFORMATION

19. **Dates to Remember for December 2020/January 2021** (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. *El Toro Water District v. Rossmoor Sanitation, Inc. et al and Does 1 through 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.

20. 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., Thursday, January 28, 2021.

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.