

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.



A handwritten signature in blue ink, appearing to read "Dennis P. Cafferty", is written over a horizontal line.

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

April 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://zoom.us/j/94515767508>. (Meeting ID: 945-1576-7508). 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 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.)

PRESENTATION OF AWARDS, RECOGNITIONS AND INTRODUCTIONS

a. Service Awards

There are no acknowledgements.

b. Continuing Education & Training, Degree and Certification Program acknowledgement

There are no acknowledgements.

c. Special District/Employee Association/Community Award Acknowledgement and Employee Special Recognition

There are no acknowledgements.

d. Staff Department Presentations

There is no Staff Department Presentation.

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 March 26, 2020 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. Director Reports for Meetings Attended (Oral Report)

GENERAL MANAGER ACTION ITEMS

3. Resolution No. 20-4-2 Adopting the Update to the District's Local CEQA Guidelines (Reference Material Included)

The State CEQA Guidelines requires local agencies to adopt "objectives, criteria, and procedures" to implement the requirements of the CEQA statute and the State CEQA Guidelines (State CEQA Guidelines Section 15022). The El Toro Water District's Local CEQA Guidelines have been revised and amended to reflect recent changes to the State CEQA Guidelines, the Public Resources Code, and relevant court opinions.

Recommended Action: Staff recommends that the Board of Directors adopt Resolution No. 20-4-2 approving the 2020 update to the District's Local California Environmental Quality Act (CEQA) Guidelines.

RESOLUTION NO. 20-4-2

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ADOPTING THE 2020 UPDATE TO THE DISTRICT'S
LOCAL CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA GUIDELINES)
(PUB RESOURCES CODE §§21000 ET SEQ.)

4. Annual Review of the District's Identity Theft Prevention Policy Statement (2008-23 (IV)) (Reference Material Included)

The District performs an annual review of the Identity Theft Prevention Policy Statement. Staff recommends no amendments to the District's Identity Theft Prevention Policy 2008-23 (IV).

Recommended Action: Staff recommends no amendments to the District's Identity Theft Prevention Policy 2008-23 (IV).

5. **Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement** (Reference Material Included)

Irvine Ranch Water District (IRWD) and the County of Orange have executed an agreement to transfer the County's 1.0 cubic feet per second (cfs) capacity in Reach 1U and 1.06 cfs capacity in Reaches 2U, 3U and 4U of the Baker Pipeline to IRWD. Amendment 9 to the Santiago Aqueduct Commission Joint Powers Agreement recognizes the transfer of capacity and the resulting allocation of costs of maintenance, capital repairs and capital improvements to the Baker Pipeline. Amendment No. 9 also removes the County as a represented agency of the Santiago Aqueduct Commission.

Recommended Action: Staff recommends that the Board of Directors authorize the Board President and Secretary to execute Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement.

6. **Covid-19 Update**

Staff will provide an update on the status of the District response to the COVID-19 pandemic. The will provide a further update on the utilization of the Emergency Administrative Leave authorized at the March 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 May 25 meeting of the Board of Directors.

7. **Approval of Request for Public Assistance (RPA) for FEMA (4482-Dr-Ca), California COVID-19 Documentation** (Reference Material Included)

Staff will provide a description and update regarding documentation necessary to remain eligible for potential emergency funding and reimbursement for costs associated with the COVID-19 pandemic.

Recommended Action: Staff recommends the Board of Directors adopt Resolution No. 20-4-3 designating the titles of the individuals authorized to execute and file applications to obtain state and federal disaster reimbursements being the General Manager and Finance Manager/Controller and submit Cal OES Form 130 documenting said designations.

RESOLUTION NO. 20-4-3

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
REQUEST FEDERAL PUBLIC ASSISTANCE
PROVIDED BY THE FEDERAL DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY

GENERAL MANAGER INFORMATION ITEMS

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

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

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

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

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

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

- a. SOCWA Board Meeting – April 2, 2020 - canceled
- b. SOCWA Engineering Committee Meeting – canceled
- c. SOCWA Special Finance Committee Meeting – April 21, 2020

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

- a. MWDOC/MET Directors Workshop – canceled
- b. MWDOC Planning & Operations – April 6, 2020
- c. MWDOC Administration & Finance Committee – April 8, 2020
- d. MWDOC Board Meeting – April 15, 2020
- e. MWDOC Managers Meeting – April 16, 2020
- f. MWDOC Public Affairs & Legislation – April 20, 2020

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

- a. Report on the April 8, 2020 meeting

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

- a. Report on the April 16, 2020 SOCWMA Management Committee meeting - canceled

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

- a. Report on the April 7, 2020 ISDOC Executive Committee Meeting

16. WACO Meetings (Reference Material Included)

- a. Report on the April 3, 2020 WACO Meeting - canceled
- b. Report on the April 21, 2020 WACO Planning Committee meeting

17. City Coordination Efforts

There was no meeting.

COMMITTEE AND GENERAL INFORMATION

18. Dates to Remember for April/May 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. *The People of the State of California, acting by and through the Department of Transportation. Plaintiff, vs. County of Orange; Pacific and Telegraph Co.; Santa Margarita Water District; Laguna Hills Sanitation, Inc., California Corporation; and Does 1 through 50, inclusive. Defendants- Orange County Superior Court- Case No. 30-2020-01122114-CU-EI-CXC.*
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) (4) to consult with legal counsel and decide whether to initiate litigation (one matter).

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, May 28, 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.