

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
AND
PUBLIC HEARING

August 27, 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/84087757425>. (Meeting ID: 840 8775 7425). 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 – President Monin

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. ETWD’S Waste Discharge Pretreatment and Source Control Program Ordinance 2020-1 (Reference Material Included)

Staff will review and comment on the necessity and process to replace the District's Waste Discharge Pretreatment and Source Control Program Ordinance 2015-2 with Pretreatment Ordinance No. 2020-1.

OPEN PUBLIC HEARING

2. Public Hearing Regarding Adoption of ETWD’s Waste Discharge Pretreatment and Source Control Program Ordinance 2020-1 (Reference Material Included)

At this time the Board will conduct a Public Hearing to receive and consider public comments regarding adoption of ETWD’s Waste Discharge Pretreatment and Source Control Program Ordinance 2020-1.

PUBLIC COMMENT

The Public will be invited to comment on ETWD’s Waste Discharge Pretreatment and Source Control Program Ordinance 2020-1.

CLOSE PUBLIC HEARING

The Board President will close the Public Hearing at this time.

REGULAR SESSION

3. **Resolution No. 20-8-1 Adopting ETWD's Waste Discharge Pretreatment and Source Control Program Ordinance 2020-1** (Reference Material Included)

The Board will review Resolution No. 20-8-1 and consider taking action on same.

Recommended Action: The Board will consider adopting Resolution No. 20-8-1 which resolution adopts ETWD's Waste Discharge Pretreatment and Source Control Program Ordinance 2020-1 effective August 27, 2020.

RESOLUTION NO. 20-8-1

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ADOPTING ETWD'S WASTE DISCHARGE
PRETREATMENT AND SOURCE CONTROL
PROGRAM ORDINANCE NO. 2020-1
WHICH REPLACES EL TORO WATER DISTRICT'S
PRETREATMENT ORDINANCE NO. 2015-2
IN IT'S ENTIRETY

4. **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 July 23, 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.

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

GENERAL MANAGER ACTION ITEMS

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

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, May 28, 2020, June 25, 2020, and July 23 Board Meetings. 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 September 24, 2020 meeting of the Board of Directors.

7. **Resolution No. 20-8-2 Biennial Review of Conflict of Interest Code** (Reference Material Included)

The Political Reform Act (“Act”), Government Code Section 81000 et seq., requires that the District review its Conflict of Interest Code every even numbered year to determine if there is a need to amend the Code, the Designated Positions, and/or the Designated Categories.

Staff has reviewed the current Conflict of Interest Code and recommends amendments by adopting Resolution No. 20-8-2.

Recommended Action: Staff recommends that the Board of Directors 1) approve and adopt Resolution No. 20-8-2, and 2) authorize the Recording Secretary to disclose to the County Board of Supervisors Office using e-Disclosure that the District’s Conflict of Interest will be amended in 2020.

RESOLUTION NO. 20-8-2
OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ADOPTING A NINTH AMENDED
CONFLICT OF INTEREST CODE

8. **Resolution No. 20-8-3 Nominating Director Monin on the ISDOC Executive Committee** (Reference Material Included)

Staff will review and comment on the official notice and call for candidates for the positions of President, First Vice-President, Second Vice-President, Third Vice President, Secretary and Treasurer on the Executive Committee of the Independent Special Districts of Orange County (ISDOC). Resolution No. 20-8-3 nominates Director Monin to hold the following position: President on the ISDOC Executive Committee. Nominations are due on or before September 11, 2020.

Recommended Action: Staff recommends that the Board of Directors adopt Resolution No. 20-8-3, which nominates Director Monin to hold the following position: President on the ISDOC Executive Committee. Staff further recommends that the Board of Directors direct the District's General Manager/Secretary to forward Director Monin's "Letter of Interest" and said Resolution to Heather Baez at MWDOC.

RESOLUTION NO. 20-8-3
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
NOMINATING DIRECTOR MONIN
TO THE FOLLOWING POSITION:
PRESIDENT ON THE ISDOC EXECUTIVE COMMITTEE

GENERAL MANAGER INFORMATION ITEMS

9. General Manager's Monthly Report (Report Included)

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

10. Legislative Reports (Reference Materials Included)

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

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

12. SOCWA Reports (Reference Material Included)

- a. SOCWA Finance Committee Meeting – August 4, 2020
- b. SOCWA Board Meeting – August 6, 2020
- c. SOCWA Managers Meeting – August 11, 2020
- d. SOCWA Engineering Committee Meeting – August 13, 2020
- e. SOCWA Finance Committee Meeting – August 25, 2020

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

- a. MWDOC Planning & Operations – August 3, 2020
- b. MWDOC/MET Directors Workshop – August 5, 2020
- c. MWDOC Public Affairs & Legislation – August 10, 2020
- d. MWDOC Special Board Meeting – August 10, 2020
- e. MWDOC Administration & Finance Committee – August 12, 2020
- f. MWDOC Special Board Meeting – August 14, 2020

- g. MWDOC Board Meeting – August 19, 2020
- h. MWDOC Managers Meeting – August 20, 2020

14. Local Agency Formation Commission (LAFCO) Report

- a. Report on the August 12, 2020 meeting.

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

- a. Report on the August 6, 2020 Executive Committee meeting.

16. ISDOC Meetings (Reference Material Included)

- a. Report on the August 4, 2020 ISDOC Executive Committee meeting.

17. WACO Meetings (Reference Material Included)

- a. Report on the August 7, 2020 WACO Meeting
- b. Report on the August 18, 2020 WACO Planning Committee meeting

18. City Coordination Efforts

- a. Report on the August 26, 2020 City of Lake Forest Quarterly Utility Coordination Meeting.

COMMITTEE AND GENERAL INFORMATION

19. Dates to Remember for August/September 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. *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.*

REGULAR SESSION

REPORT ON CLOSED SESSION (Legal Counsel)

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

ADJOURNMENT TO 7:30 a.m., Thursday, September 24, 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.