

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**

September 24, 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/88173516624>. (Meeting ID: 881 7351 6624). 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. INCREASES TO CERTAIN WATER AND RECYCLED WATER SERVICE RATES AND CHARGES (Reference Material Included)

Prior to opening the public hearing, Staff will review and comment on proposed amendments to Schedules No. 1-W and 3-S of the District’s Rules and Regulations as it relates to proposed increases to certain water and recycled water service rates and charges. The proposed increases have been incorporated in the District’s approved 2020/21 Operating Budget.

Following today’s public hearing, the Board of Directors will be requested to consider taking action to adopt Resolution No. 20-9-1 approving amendments to Schedules No. 1-W and 3-S of the District’s Rules and Regulations as it relates to increases to certain water and recycled water service rates and charges.

OPEN PUBLIC HEARING

2. PUBLIC HEARING REGARDING ADOPTION OF PROPOSED INCREASES TO CERTAIN WATER AND RECYCLED WATER SERVICE RATES (Reference Material Included)

At this time the Board of Directors will conduct a public hearing to receive and consider public comments and protests regarding proposed increases to certain water and recycled water service rates and charges.

PUBLIC COMMENT

The Public will be invited to comment on the proposed increase to the District’s rates and charges.

CLOSE PUBLIC HEARING

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

REGULAR SESSION

3. **RESOLUTION NO. 20-9-1 ADOPTING AMENDMENTS TO THE DISTRICT'S RULES AND REGULATIONS** (Reference Material Included)

The Board of Directors will review Resolution No. 20-9-1 and consider taking action on same.

Recommended Action: The Board of Directors will consider adopting Resolution No. 20-9-1 which Resolution 1) provides for an increase to certain water and recycled water service rates and charges, effective October 1, 2020, and 2) makes findings and a determination that the action taken in this Resolution is exempt from the requirements of the California Environmental Water Quality Act.

RESOLUTION NO. 20-9-1

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
APPROVING AN AMENDMENT TO THE
DISTRICT'S RULES AND REGULATIONS
WHICH AMENDMENT 1) PROVIDES FOR AN INCREASE TO
CERTAIN OF THE DISTRICT'S WATER
& RECYCLED WATER SERVICE RATES AND CHARGES
AND
2) MAKES FINDINGS AND DETERMINATIONS
THAT THE ACTION TAKEN IN THIS
RESOLUTION IS EXEMPT FROM THE
REQUIREMENTS OF THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)

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 August 20, 2020 Special Board meeting (Minutes Included)
- b. Consider approving the minutes of the August 27, 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, July 23, 2020, and the August 27, 2020 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 October 22, 2020 meeting of the Board of Directors.

7. Election of Independent Special Districts of Orange County (ISDOC) Officer (Reference Material Included)

Staff will review and comment on the ISDOC Executive Committee election process for the President seat. Ballots must be received by ISDOC no later than 5 p.m. on October 23, 2020.

Recommended action: Staff recommends that the Board of Directors authorize and direct the District's General Manager to cast a vote for the position of ISDOC Executive Committee President.

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 – September 3, 2020
 - b. SOCWA Engineering Committee Meeting – September 17, 2020
 - c. SOCWA Finance Committee Meeting – September 22, 2020
12. **Municipal Water District Of Orange County (MWDOC) Report**
(Reference Material Included)
 - a. MWDOC/MET Directors Workshop – September 2, 2020
 - b. MWDOC Special Board Meeting – September 3, 2020
 - c. MWDOC Planning & Operations – September 8, 2020
 - d. MWDOC Administration & Finance Committee – September 9, 2020
 - e. MWDOC Board Meeting – September 16, 2020
 - f. MWDOC Managers Meeting – September 17, 2020
 - g. MWDOC Public Affairs & Legislation – September 21, 2020
 - h. MWDOC Water Policy Forum – September 23, 2020
13. **Local Agency Formation Commission (LAFCO) Report**
 - a. Report on the September 9, 2020 meeting.
14. **South Orange County Watershed Management Area (SOCWMA) Management and/or Executive Committee Report**

There was no meeting.
15. **ISDOC Meetings** (Reference Material Included)
 - a. Report on the September 1, 2020 ISDOC Executive Committee meeting.
16. **WACO Meetings** (Reference Material Included)
 - a. Report on the September 11, 2020 WACO Meeting
 - b. Report on the September 15, 2020 WACO Planning Committee meeting
17. **City Coordination Efforts**

There was no meeting.

COMMITTEE AND GENERAL INFORMATION

18. Dates to Remember for September/October 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, October 22, 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.