

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

November 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/87666553737>. (Meeting ID: 876 6655 3737).

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 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 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

1. Mr. Cafferty will recognize and congratulate Raully Russell, Maintenance Worker I, for 10 years of service with the District.
2. Mr. Cafferty will recognize and congratulate Jake Knoke, Maintenance Worker III, for 5 years of service with the District.

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

1. Mr. Cafferty will recognize and congratulate Jake Knoke, Maintenance Worker III, for obtaining his Water Utility Science – Water Distribution Certificate.
2. Mr. Cafferty will recognize and congratulate Steve Hancock, Maintenance Worker III, for obtaining his Water Utility Science – Water Distribution Certificate.

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 22, 2020 Board meeting.
- b. Consider approving the minutes of the November 9, 2020 Special 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. **Quarterly Review of the District's 401(k) Retirement Savings Plan** (Reference Material Included)

A HighMark representative will review and comment on the investment performance of the District's 401(k) Retirement Savings Plan.

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

GENERAL MANAGER ACTION ITEMS

4. **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, August 27, 2020, September 24, 2020, and the October 22, 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 per month, until the February 25, 2021 meeting of the Board of Directors.

5. **Resolution No. 20-11-2 - Operational Area Agreement** (Reference Material Included)

Staff will review the new Operational Area Agreement that makes changes to the original 1995 document intended to reflect the current operational practices of the Orange County Emergency Management Organization.

Recommended Action: Staff recommends that the Board of Directors 1) adopt Resolution No. 20-11-2 which approves the 2020 Orange County Operational Area Agreement with the County of Orange and Political Subdivisions and 2) authorize the General Manager to execute the 2020 Orange County Operational Area Agreement with the County of Orange and Political Subdivisions by completing and submitting the signature page.

RESOLUTION NO. 20-11-2

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
WHICH APPROVES AND ADOPTS THE
OPERATIONAL AREA AGREEMENT
TO REFLECT THE CURRENT OPERATIONAL
PRACTICES OF THE ORANGE COUNTY
EMERGENCY MANAGEMENT ORGANIZATION

6. **Resolution No. 20-11-3 - Directors Compensation Policy** (Reference Material Included)

Staff will review and comment on proposed changes to the Directors Compensation Policy to reflect the benefits provided to the District's Board of Directors.

Recommended Action: Staff recommends that the Board of Directors adopt Resolution No. 20-11-3 which proposes changes to the Directors Compensation Policy to reflect the benefits provided to the District's Board of Directors.

RESOLUTION NO. 20-11-3

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

7. **Resolution No. 20-11-4 Establishing Date, Time, And Place of Regular Board Meetings For Calendar Year 2020** (Reference Material Included)

Staff will review and comment on an amendment to the previously adopted schedule of date, time and place of Regular Board Meetings of the Board of Directors for calendar year 2020.

Recommended Action: Staff recommends the Board of Directors consider adopting Resolution No. 20-11-4 which establishes date, time and place of Regular Board Meetings for calendar year 2020.

RESOLUTION NO. 20-11-4

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ESTABLISHING DATE, TIME, AND PLACE OF
REGULAR BOARD MEETINGS
OF THE BOARD OF DIRECTORS
FOR CALENDAR YEAR 2020

8. **Resolution No. 20-11-5 Commemorating the Retirement of MWDOC Assistant General Manager Karl Seckel** (Reference Material Included)

Staff will comment on Resolution No. 20-11-5 which commemorates Karl Seckel's decades of faithful service to the Municipal Water District of Orange County.

Recommended Action: Staff recommends that the Board of Directors adopt Resolution No. 20-11-5 commemorating the accomplishments and service of Karl Seckel.

RESOLUTION NO. 20-11-5

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
COMMEMORATING THE RETIREMENT OF
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
ASSISTANT GENERAL MANAGER
KARL SECKEL

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. **District of Distinction** (Reference Materials Included)

Staff will provide an update on the renewal of the District of Distinction designation from the Special District Leadership Foundation.

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

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

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

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

- a. SOCWA Finance Committee Meeting – October 27, 2020
- b. SOCWA Special Finance Committee Meeting – November 3, 2020
- c. SOCWA Board Meeting – November 5, 2020
- d. SOCWA Executive Committee Meeting – November 10, 2020
- e. SOCWA Engineering Committee Meeting – November 12, 2020

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

- a. MWDOC Managers Meeting – October 22, 2020
- b. MWDOC/OCWD Joint Planning Committee Meeting – October 28, 2020
- c. MWDOC Planning/Operations – November 2, 2020
- d. MWDOC/MET Directors Workshop – November 4, 2020
- e. MWDOC Administration & Finance Committee – November 12, 2020
- f. MWDOC Public Affairs & Legislation – November 16, 2020
- g. MWDOC Board Meeting – November 18, 2020
- h. MWDOC Managers Meeting – November 19, 2020

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

- a. The November 11, 2020 meeting was cancelled.

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

- a. The November 2, 2020 Management Committee meeting was cancelled.

17. ISDOC Meetings (Reference Material Included)

- a. Report on the October 29, 2020 ISDOC Quarterly meeting.
- b. Report on the November 3, 2020 ISDOC Executive Committee meeting.

18. WACO Meetings (Reference Material Included)

- a. Report on the October 20, 2020 WACO Planning Committee meeting
- b. Report on the November 6, 2020 WACO meeting
- c. Report on the November 17, 2020 WACO Planning Committee meeting

COMMITTEE AND GENERAL INFORMATION

19. Dates to Remember for November/December 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 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., Wednesday, December 16, 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.