

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

February 25, 2021

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 Gaskins, Freshley, Havens, Monin, and Vergara 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/81848196496>. (Meeting ID: 818 4819 6496). 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 Gaskins

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.)

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 January 28, 2021 Board meeting.

Recommended Action: The Board will be requested to approve the subject minutes.

- b. Consider approving the Directors to attend the ACWA Spring Virtual Conference being held May 12-13, 2021 at a cost of \$375.00 per person.

Recommended Action: Staff recommends that the Board approve the Directors and General Manager to attend the ACWA Spring Virtual Conference being held May 12-13, 2021 at a cost of \$375.00 per person.

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. **Call for Candidates - ISDOC Executive Committee 2nd Vice President Seat**
(Reference Material Included)

Staff will comment on the potential nomination of a candidate to the ISDOC Executive Committee, 2nd Vice President seat and the requirement to submit the nomination by the March 26, 2021 deadline.

Recommended Action: The Board will consider nominating a candidate to the ISDOC Executive Committee, 2nd Vice President seat and submit the nomination by the March 26, 2021 deadline.

4. **Nomination of a Candidate to the California Special Districts Association Board of Directors, Southern Network – Seat A** (Reference Material Included)

Staff will comment on the potential nomination of a candidate to the California Special Districts Association Board of Directors, Southern Network, Seat A, and the requirement to submit the nomination by the March 29, 2021 deadline.

Recommended Action: The Board will consider nominating a candidate to the California Special Districts Association Board of Directors, Southern Network, Seat A, and submit the nomination by the March 29, 2021 deadline.

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

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

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 May 27, 2021 meeting of the Board of Directors.

6. **Resolution No. 21-2-1 Concurring in the Nomination to the Executive Committee of the Association of California Water Agencies, Joint Powers Insurance Authority (JPIA)** (Reference Material Included)

The Board will consider concurring in the Cucamonga Valley Water District's nomination of Randall James Reed to the ACWA/JPIA Executive Committee.

Recommended Action: Staff recommends that the Board adopt Resolution No. 21-2-1 which concurs with the Cucamonga Valley Water District's nomination of Randall James Reed to the ACWA/JPIA Executive Committee.

RESOLUTION NO. 21-2-1

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
CONCURRING IN NOMINATION
TO THE EXECUTIVE COMMITTEE
OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES
JOINT POWERS INSURANCE AUTHORITY (JPIA)

7. **Resolution No. 21-2-2 Concurring in the Nomination to the Executive Committee of the Association of California Water Agencies, Joint Powers Insurance Authority (JPIA)** (Reference Material Included)

The Board will consider concurring in the San Bernardino Valley Water Conservation District's nomination of Melody Henriques-McDonald to the ACWA/JPIA Executive Committee.

Recommended Action: Staff recommends that the Board adopt Resolution No. 21-2-2 which concurs with the San Bernardino Valley Water Conservation District's nomination of Melody Henriques-McDonald to the ACWA/JPIA Executive Committee.

RESOLUTION NO. 21-2-2

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
CONCURRING IN NOMINATION
TO THE EXECUTIVE COMMITTEE
OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES
JOINT POWERS INSURANCE AUTHORITY (JPIA)

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)

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

11. **SOCWA Reports** (Reference Material Included)
 - a. SOCWA Board Meeting – February 4, 2021
 - b. SOCWA Special Meeting – February 4, 2021
 - c. SOCWA Engineering Committee Meeting – February 11, 2021
 - d. SOCWA Finance Committee Meeting – February 16, 2021
 - e. SOCWA Special Meeting – February 19, 2021

12. **Municipal Water District Of Orange County (MWDOC) Report**
(Reference Material Included)
 - a. MWDOC Planning/Operations Meeting – February 1, 2021
 - b. MWDOC/MET Directors Workshop – February 3, 2021
 - c. MWDOC Administration & Finance Committee – February 10, 2021
 - d. MWDOC Board Meeting – February 17, 2021
 - e. MWDOC Managers Meeting – February 18, 2021

13. **Local Agency Formation Commission (LAFCO) Report**
 - a. Report on the February 10, 2021 meeting.

14. **ISDOC Meetings** (Reference Material Included)
 - a. Report on the February 2, 2021 ISDOC Executive Committee meeting.

15. **WACO Meetings** (Reference Material Included)
 - a. Report on the February 5, 2021 WACO meeting
 - b. Report on the February 16, 2021 WACO Planning Committee meeting

COMMITTEE AND GENERAL INFORMATION

16. **Dates to Remember for February/March 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.*

REGULAR SESSION

REPORT ON CLOSED SESSION (Legal Counsel)

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

ADJOURNMENT

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.