

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 23, 2023**  
**7:30 a.m.**

---

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 attend the meeting in person at the District's office or may observe and address the Meeting by joining at this link:  
<https://us02web.zoom.us/j/81585659795> (Meeting ID: 815 8565 9795).

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 Havens**

**PLEDGE OF ALLEGIANCE – President Havens**

**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 26, 2023 Board meeting

**Recommended Action:** The Board will consider approving the above Consent Calendar.

### 2. **Director Reports for Meetings Attended** (Oral Report)

## GENERAL MANAGER ACTION ITEMS

### 3. **Virtual or Hybrid Board Meetings per AB 361** (Reference Material Included)

The Board will consider approving the continuation of virtual or hybrid meetings pursuant to AB 361 for an additional 30 days based on findings that 1) the Board has considered the circumstances of the state of emergency for COVID-19, and 2) state and local officials continue to impose or recommend measures to promote social distancing.

**Recommended Action:** Staff recommends that the Board of Directors reaffirm the findings and determinations under Assembly Bill 361 and extend Resolution No. 22-7-4 for the continuation of virtual or hybrid meetings for the next 30 days based on the findings that (1) it has reconsidered the circumstances of the state of emergency for COVID-19, and (2) state and local officials continue to impose or recommend measures to promote social distancing.

## GENERAL MANAGER INFORMATION ITEMS

### 4. **AB 2449** (Reference Material Included)

Staff will review and comment on Assembly Bill 2449 and its effect on Brown Act requirements relative to virtual or remote attendance of El Toro Water District Board Meetings.

5. **General Manager's Monthly Report** (Reference Material Included)  
Staff will review and comment on the General Manager's Monthly Report.
6. **Legislative Reports** (Reference Material Included)  
Staff and General Counsel will review and comment on the Legislative reports.
7. **Public Education and Outreach Report** (Reference Material Included)  
Staff will review and comment on the Public Education and Outreach report.
8. **Water Use Efficiency Report** (Reference Material Included)
  - a. Staff will review and comment on the Water Use Efficiency Report
9. **SOCWA Report** (Reference Material Included)
  - a. SOCWA P-2 Meeting – January 31, 2023
  - b. SOCWA Board Meeting – February 2, 2023
  - c. SOCWA Engineering Committee Meeting – February 9, 2023
  - d. SOCWA Special Meeting – February 17, 2023
  - e. SOCWA Finance Committee Meeting – February 21, 2023
  - f. IRWD Assignment of SOCWA Rights to ETWD
  - g. Trabuco Canyon Exit from SOCWA
10. **Municipal Water District Of Orange County (MWDOC) Report** (Reference Material Included)
  - a. MWDOC/MET Directors Workshop – February 1, 2023
  - b. MWDOC Planning/Operations Meeting – February 6, 2023
  - c. MWDOC Admin/Finance Meeting – February 8, 2023
  - d. MWDOC Water Policy Forum – February 9, 2023
  - e. MWDOC Board Meeting – February 15, 2023
  - f. MWDOC Managers Meeting – February 16, 2023
11. **OC WaterReuse Meeting** (Reference Material Included)
  - a. Report on the February 16, 2023 OC WaterReuse Meeting
12. **South Orange County Agencies Group Meeting** (Reference Material Included)
  - a. Report on the January 26, 2023 South Orange County Agencies Group Meeting

**13. Local Agency Formation Commission (LAFCO) Report**  
(Reference Material Included)

- a. Report on the February 8, 2023 meeting - canceled

**14. ISDOC Meetings Report** (Reference Material Included)

- a. Report on the January 26, 2023 ISDOC Quarterly meeting
- b. Report on the February 7, 2023 ISDOC Executive Committee meeting

**15. WACO Meetings Report** (Reference Material Included)

- a. Report on the February 3, 2023 WACO meeting
- b. Report on the February 21, 2023 WACO Planning meeting

**COMMITTEE AND GENERAL INFORMATION**

**16. Dates to Remember for February/March 2023** (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. Pursuant to Government Code Section 54956.9 (d) (2) to consult with legal counsel and staff – Potential Litigation (two matters).
- 2. Pursuant to Government Code Section 54956.9(a) to consult with legal counsel and staff. *Plaintiff, Marlene Jean v. Defendants, Dollar Tree Stores, et al./Cross-Complainant, Park Aliso Commercial Center, Ltd, et al. v. Cross-Defendant, El Toro Water District, et al.*, Superior Court of Los Angeles Case No. 19STCV25234. [Government Code Section 54956.9(a)] – Pending Litigation (one matter).

**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.*