

MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF DIRECTORS
OF THE
EL TORO WATER DISTRICT
February 23, 2023

President Havens called the meeting of the Board of Directors of the ELTORO WATER DISTRICT to order at 7:30 a.m.

President Havens led in the Pledge of Allegiance to the flag.

Directors KAY HAVENS, MIKE GASKINS, MARK MONIN, KATHRYN FRESHLEY, and JOSE VERGARA participated.

Also present were DENNIS P. CAFFERTY, General Manager, JUDY CIMORELL, Human Resources Manager, SHERRI SEITZ, Public Affairs Manager, VU CHU, Water Use Efficiency Analyst, JASON HAYDEN, CFO (zoom), MIKE MIAZGA, IT Manager, GILBERT J. GRANITO, General Counsel, and POLLY WELSCH, Recording Secretary.

SCOTT HOPKINS, Operations Superintendent was absent.

Oral Communications/Public Comments

There were no comments.

Items Received Too Late to be Agendized

President Havens asked if there were any items received too late to be agendized. Mr. Cafferty replied no.

Consent Calendar

President Havens asked for a Motion.

Motion: Vice President Vergara made a Motion, seconded by Director Monin and unanimously carried across the Board to approve the Consent Calendar.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

Director Reports for Meetings Attended

Director Vergara stated that he attended the WACO meeting, the WACO Planning Committee meeting, the Pres/VP/GM meetings, the MWDOC Planning/Operations meeting, the Lake Forest City Council meeting, the MWDOC Admin/Finance meeting, the WateReuse meeting, the Agenda Review meeting, and the regular ETWD Board meetings.

Director Monin stated that he attended the ISDOC Executive Committee meeting, the MWDOC Planning/Operations meeting, the MWDOC Admin/Finance meeting, the CAG meeting, the MWDOC Water Policy Dinner, the MWDOC Board meeting, the OCWA luncheon, the WACO Planning Committee meeting, and the regular ETWD Board meetings.

Director Gaskins stated that he attended the CAG meeting, the MWDOC/MET Directors workshop, the RRC meeting, the SOCWA Board meeting, the WACO meeting, the MWDOC Planning/Operations meeting, the MWDOC Admin/Finance

meeting, the MWDOC Water Policy Dinner, the RRC meeting, and the regular ETWD Board meetings.

President Freshley stated that she attended the MWDOC Planning/Operations meeting, the RRC meetings, the MWDOC Admin/Finance meeting, the MWDOC/MET Directors workshop, the MWDOC Board meeting, the MWDOC Water Policy Dinner, the OCWA luncheon, the CAG meeting, the SOCWA Board meetings, the SOCWA Finance meeting, the ACWA Energy Committee meeting, the Laguna Woods City Council meeting, the WACO meeting, and the regular ETWD Board meetings.

President Havens stated that she attended the Agenda Review meeting, the Pres/VP/GM meetings, the MWDOC/MET Directors workshop, the WACO meeting, the MWDOC Planning/Operations meeting, the MWDOC Admin/Finance meeting, the MWDOC Board meeting, the MWDOC Water Policy Dinner, the CAG meeting, the OCWA luncheon, and the regular ETWD Board meetings.

General Manager Action Items

Virtual or Hybrid Board Meetings per AB 361

Mr. Cafferty stated that staff recommends that the Board extend Resolution No. 22-7-4 for the continuation of virtual or hybrid meetings for the next 30 days.

Mr. Cafferty stated that AB 361 is set to expire on February 28, 2023.

President Havens asked for a Motion.

Motion: Director Monin made a Motion, seconded by Director Gaskins and unanimously carried across the Board to 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.

Roll Call Vote:

Director Monin	aye
Director Gaskins	aye
Director Freshley	aye
Vice President Vergara	aye
President Havens	aye

AB 2449

Mr. Cafferty stated that Assembly Bill 2449 revises Brown Act requirements relative to virtual or remote attendance of ETWD Board meetings. He further stated that this bill provides alternatives for remote participation in the event it is not recognized that the need existed prior to posting the agenda.

Mr. Cafferty stated that there are two incidences where this can occur; the first is "just cause" which is defined as being child care or care giving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. He further stated that it also may include: a contagious illness, a physical or mental disability, or travel while on official District business.

Mr. Cafferty stated that "just cause" can only be used for two meetings per calendar year. He further stated that the second means by which a Board member can participate remotely without having to agendize is due to emergency circumstances such as a physical or family medical emergency, and the Board member must provide a general description of the circumstances, and the Board must take action to approve the request. He also stated that if the request does not allow sufficient time to place proposed action on the request, the Board must take action to

add the request to the agenda at the beginning of the meeting.

Mr. Cafferty stated that if a Board member is participating remotely due to “just cause” or “emergency circumstances”, the Board shall publicly disclose at the beginning of the meeting before any action is taken whether any individuals 18 or older are present at the remote location with the member and the general nature of the relationship of such individuals. He further stated that the Board member shall participate through both audio and visual technology, and no Board Member may participate solely by teleconference for a period of more than three consecutive months or 20 percent of the regular meetings within a calendar year.

General Manager's Monthly Report

Director Freshley asked about the the Will Serve charts and when do we determine what the fee is going to be. Mr. Cafferty replied that the Capital Facilities Fee is based on the size of the water meter for the Water Capital Facilities Fee, and on the size and type of business for the Sewer Capital Facilities Fee. Mr. Cafferty further stated that Capital Facilities Fees are collected near the end of a project prior to occupancy.

Legislative Reports

There were no comments.

Public Education and Outreach Report

Ms. Seitz stated that Mr. Cafferty presented at the CAG meeting on water supply challenges and water/wastewater infrastructure improvement projects.

Ms. Seitz stated that Mr. Cafferty participated as a panelist at the South Orange County Economic Coalition and discussed how South County water districts efforts

locally and regionally have better prepared the water agencies to overcome water related challenges.

Ms. Seitz stated that Director Gaskins will be speaking in March at the Concerned Citizens meeting.

Ms. Seitz stated that staff will host a booth at the City of Mission Viejo Earth Day on Saturday, April 22nd.

Ms. Seitz stated that an announcement of the new Board officers will be distributed to the public, on the website, and social media.

Ms. Seitz stated that ETWD will be entering the newsletter into the Public Relations Society of America's Bronze Anvil Tactical Awards.

Water Use Efficiency Report

Mr. Chu provided an update on the Water Use Efficiency report, rebates, and water usage compared to 2020.

SOCWA Reports

Mr. Cafferty stated that he attended the PC-2 meeting where they discussed consideration and action on South OC Wastewater Optimization Blueprint with presentations by SMWD and MNWD. He further stated that they also discussed a proposal for the Latham Plant.

Mr. Cafferty discussed the IRWD Assignment of SOCWA rights to ETWD, and the Trabuco Canyon exit from SOCWA.

MWDOC Reports

Mr. Cafferty stated that at the MWDOC Admin/Finance meeting they discussed an update to the MWDOC Reserves Policy.

Director Gaskins stated that at the MWDOC Board meeting they discussed an employment contract for an interim General Manager.

OC WaterReuse Meeting

Vice President Vergara stated that they had a presentation on MNWD's project, RAIN Treatment Center.

South Orange County Agencies Group Meeting

Director Gaskins stated that they discussed MWDOC and MET's current issues, reserves, and Colorado River negotiations. He further stated that they also discussed regional projects.

LAFCO

Director Freshley stated that the February meeting was canceled.

Mr. Cafferty stated that LAFCO is currently reviewing the District's MSR which has been drafted between the consultant and LAFCO staff, so we should see it soon.

ISDOC

Director Monin stated that there are still vacancies for Secretary and Third Vice President, and they hired a part-time Secretary to do the minutes.

WACO

Director Monin stated that they had a presentation on a Federal Update, Deciphering the New Congress by Eric Sapirstein, President of ENS Resources.

COMMITTEE AND GENERAL INFORMATION

Dates to Remember for February/March 2023

There were no comments.

Comments Regarding Non-Agenda Items

Director Freshley stated that at the last LAFCO meeting, Carol Moore was elected as the Alternate City Member.

Attorney Report

Mr. Granito reported that there is a need for a Closed Session with regard to both items of today's Closed Session agenda.

Recess

At approximately 9:10 a.m. the Board took a short recess.

Regular Session

At approximately 9:15 a.m. the Board returned to Regular Session.

Closed Session

At approximately 9:15 a.m. the Board went into Closed Session with regard to both items on the Closed Session agenda. Also at this time, everyone left the meeting except the Board members, the General Manager, and General Counsel.

Open Session Report

At approximately 9:50 a.m. Regular Session resumed. Also at this time Ms. Welsch returned to the meeting.

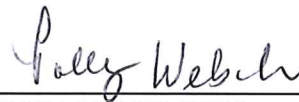
Mr. Granito reported that the Board did go into Closed Session with regard to both items of today's Closed Session agenda, and during the first phase of the Closed Session the District's General Counsel and General Manager led a discussion on Item #1 potential litigation (one matter). No reportable action was taken.

Mr. Granito reported that during the second phase of the Closed Session, the General Manager led a discussion with General Counsel and the Board on Item #2 the Dollar Tree litigation. No reportable action was taken.

Adjournment

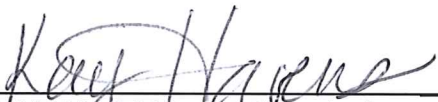
There being no further business to come before the Board, the meeting was adjourned at 9:50 a.m.

Respectfully submitted,




POLLY WELSCH
Recording Secretary

APPROVED:



KAY HAVENS, President of
the El Toro Water District and the
Board of Directors thereof



DENNIS P. CAFFERTY, Secretary
of the El Toro Water District and
the Board of Directors thereof

