

MINUTES OF THE REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS  
OF THE  
EL TORO WATER DISTRICT  
August 24, 2023

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

Director Freshley led in the Pledge of Allegiance to the flag.

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

Also present were DENNIS P. CAFFERTY, General Manager, HANNAH FORD, Engineering Manager, JUDY CIMORELL, Human Resources Manager, SCOTT HOPKINS, Operations Superintendent, SHERRI SEITZ, Public Relations Manager, VISHAV SHARMA, CFO, VU CHU, Water Use Efficiency Analyst, MIKE MIAZGA, IT Manager (Zoom), GILBERT J. GRANITO, General Counsel, DENNIS ERDMAN, MWDOC/MET Representative, SAUNDRA JACOBS, SMWD, RICHARD FIORE, MNWD, DON FROELICH, MNWD, WYATT MCCLEAN, Customer, PILAR VERGARA, CAROL MOORE, Laguna Woods City Council member, PAUL COOK, IRWD, DUANE CAVE, MNWD, and POLLY WELSCH, Recording Secretary.

Determination of a Quorum

Roll Call:

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

Five Board members were present for the meeting, therefore a quorum was determined.

#### 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.

#### Resolution No. 23-8-4 Recognizing Director Jose Vergara

Representatives from MWDOC/MET, SMWD, SCWD, IRWD, MNWD, and the City of Laguna Woods expressed their respect and thanks to Director Jose Vergara for his work in the water industry.

President Havens asked for a Motion.

Motion: Director Gaskins made a Motion, seconded by Director Freshley to approve Resolution No. 23-8-4 which commends Director Jose Vergara on his 11 years of service to the El Toro Water District.

#### Roll Call Vote:

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

#### Recess

At approximately 8:15 a.m. the Board took a short recess. Also at this time, all of the public left the meeting except Ms. Seitz, Mr. Chu, Ms. Moore, and Mr. McClean.

## Regular Session

At approximately 8:20 a.m. the Board returned to Regular Session.

### Consent Calendar

President Havens asked for a Motion.

Motion: Director Monin made a Motion, seconded by Director Freshley 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 Monin stated that he attended the ISDOC Executive Committee meeting, the MWDOC/MET Directors workshop, the WACO meeting, the MWDOC Admin/Finance Committee meeting, the WACO Planning Committee meeting, the MWDOC Board meeting, the CASA conference, the Laguna Woods City Council meeting, the Lake Forest City Council meeting, a meeting with ETWD's Auditors, ETWD's regular Board meetings, and will be attending the CSDA conference next week.

Director Gaskins stated that he attended the MWDOC/MET Directors workshop, the MWDOC Admin/Finance meeting, the MWDOC Board meeting, WACO meeting, the CASA conference, the SOCWA Board meeting, and ETWD's regular meetings.

Director Freshley stated that she attended the MWDOC/MET Directors workshop, the MWDOC Admin/Finance meeting, the MWDOC Board meeting, the

SOCWA Board meeting, the SOCWA Finance meeting, the RRC meeting, the CASA conference, the LAFCO meeting, the OCWA meeting, the Laguna Woods City Council meeting, the WACO meeting, the ETWD's regular Board meetings, and will be attending the WEROC training, and the ACWA Engineering Committee meeting.

Vice President Vergara stated that he attended the MWDOC Board meeting, the MWDOC Admin/Finance meeting, the WACO meeting, the WACO Planning Committee meeting, the Agenda Review meeting, and the regular ETWD Board meetings.

President Havens stated that she attended the Artificial Intelligence in the Water Industry meeting, the MWDOC/MET Directors workshop, the CAG meeting, the MWDOC Admin/Finance meeting, the MWDOC Board meeting, the WACO meeting, the Aliso Watershed Collaborative workshop, the Agenda Review, and ETWD's regular Board meetings.

#### General Manager Information Items

#### ACWA 2023 Board Officers Election

Mr. Cafferty stated that Cathy Green is the sole candidate for the President position, and Ernesto Avila (Contra Costa Water District) and Michael Saunders (Georgetown Divide Utility District) are the two candidates for the Vice President position. He further stated that the ballot is due September 15<sup>th</sup>.

President Havens asked for a Motion.

Motion: Director Freshley made a Motion, seconded by Director Monin to authorize the District's General Manager to cast the District's vote for Cathy Green as ACWA President and Ernesto Avila for ACWA Vice President for the 2024/25 term by September 15, 2023.



Roll Call Vote:

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

ACWA Region 10 Board Election for the 2024/25 Term

Mr. Cafferty stated that the ACWA Region 10 Board has a slate of candidates that the ACWA Nominating Committee is recommending for re-election. He further stated that the ballot is due September 15<sup>th</sup>.

President Havens asked for a Motion.

Motion: Director Gaskins made a Motion, seconded by Director Freshley to authorize the District's General Manager to cast the District's vote for the recommended slate for the ACWA Region 10 Board Election for the 2024/25 term by September 15, 2023.

Roll Call Vote:

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

Orange County Grand Jury Report – “Historic Rain, Yet Drought Remains”

Mr. Cafferty stated that the District was “requested” to respond, not “required” to respond to the OC Grand Jury Report Findings and Recommendations. He further stated that we were requested to respond to all of the Findings, but only requested to respond to two of the Recommendations.

President Havens asked for a Motion.

Motion: Director Monin made a Motion, seconded by Director Gaskins to accept the District's response letter with some authorized discretion by the General Manager to amend the Orange County Grand Jury's Findings and Recommendations response letter, and authorize staff to submit the response letter to the Presiding Judge of the Superior Court before September 5, 2023.

Roll Call Vote:

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

Consideration of Support Position for Assembly Bill 557

Mr. Cafferty stated that Assembly Bill 557 would abolish the sunset that would otherwise repeal the provisions of Assembly Bill 361 at the end of the 2023 calendar year. He further stated that AB 361 allows remote attendance of meetings in the event of a declared emergency.

President Havens asked for a Motion.

Motion: Director Monin made a Motion, seconded by Director Gaskins to authorize the General Manager to support Assembly Bill 557.

Roll Call Vote:

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

## ETWD Board Vacancy

Mr. Cafferty stated that the Government Code Section in the staff paper is incorrect and should be “1780” instead of 1770. He further stated that the District has 60 days to fill the Board vacancy or call for a Special Election, or the County Board of Supervisors can appoint someone to fill the vacancy.

Mr. Cafferty stated that the Board will need to decide whether to “appoint” someone or to have a Special Election. He further stated that if the Board desires to “appoint” someone, staff would post in three conspicuous locations a Notice of Vacancy.

Mr. Cafferty stated that included in the Board package is a Proposed Timeline showing Milestone Dates for Board Appointment Process.

President Havens asked for a Motion.

Motion: Director Monin made a Motion, seconded by Director Gaskins to direct the District Secretary to start the process to “appoint” a candidate to fill the Board vacancy.

### Roll Call Vote:

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

Mr. Cafferty stated that a Special Board meeting will be scheduled to review interested candidates, and will either appoint the new Board member at that meeting, or at the following Board meeting. He further stated that a new Board Vice President will be elected at the regular September Board meeting.

## GM Monthly Report

Mr. Cafferty stated that in the report is information about water quality, and we are dealing regionally with some significant water quality challenges. He further stated that the chlorine residuals are deteriorating and there is an large amount of nitrites in the water in the Allen McCollogh Pipeline and the East Orange County Feeder No. 2.

Mr. Cafferty stated that MET is flushing the AMP SCWD may shut down the JTM. He further stated that the District may have to consider flushing ourselves.

Director Freshley asked if this issue would affect the refilling of the R-6 Reservoir. Mr. Cafferty replied that it has the potential to.

Director Freshley asked why we are continuing to use so much potable water to meet the recycled water demands. Mr. Cafferty replied that staff is working towards using less potable water in the recycled water system.

## Legislative Reports

There were no comments.

## Public Education and Outreach Report

Ms. Seitz stated that the fall newsletter will be distributed in September.

Ms. Seitz stated that President Havens was on TV-6 and provided an overview of ETWD including our history, service area, where the water comes from, services we provide, staff, tertiary water, water safety, the R-6 project, water supply update and water conservation.

Ms. Seitz stated that staff provided water using the Emergency Water Trailer and water conservation information to attendees at the City of Mission Viejo's National Night Out.



Ms. Seitz stated that Mr. Cafferty spoke at the GRF Landscape Committee meeting on rates and water supply.

Ms. Seitz stated that on September 26<sup>th</sup> she and Mr. Chu will staff an information table at the Gate 11 Fall meeting. She further stated that on September 20<sup>th</sup> staff will present on "How water gets to your tap" to the LWV College Club.

Ms. Seitz stated that on September 23<sup>rd</sup> staff will have an informational booth at the City of Laguna Hills Heritage Day at the Laguna Hills Community Center & Sports Park.

Ms. Seitz stated that on October 26<sup>th</sup> staff is partnering with neighboring agencies to hold an H2O for HOA event at the Norman P. Murray Community Center in Mission Viejo.

Ms. Seitz stated that on October 7<sup>th</sup> staff will host a booth at the UN ANR Open House & Urban Ag Expo at the South Coast Research and Extension Center in Irvine.

Ms. Seitz stated that Mr. Chu will conduct two "Pipe Patrol – Leak Detection and Prevention" workshops at ETWD, and will provide customers with information on how to find, fix, and prevent leaks in and around the home. The first workshop will be October 24<sup>th</sup> and the second on October 28<sup>th</sup>.

Ms. Seitz stated that ETWD is co-hosting with MET and G3 Green Gardeners Group a series of free online landscape workshops in October and November.

Ms. Seitz stated that ETWD is co-hosting with MWDOC a Girl Scout Tour and a Boy Scout Tour at the WRP.

### Water Use Efficiency Report

Mr. Chu stated that total consumption for July was down 15% compared to 2022, and the largest decline was in the dedicated irrigation consumption including LWV.

President Havens suggested putting in a footnote due to Hurricane Hilary where we will be using less irrigation due to the rain storms in August 2023.

### SOCWA Reports

Mr. Cafferty stated that there were discussions on P-2 and extending expiration dates of some of the PC projects. He further stated that he is recommending writing a letter to the SOCWA Board Chairman and copying all of the members, indicating how ETWD feels about the future of SOCWA and the operation of the Regional Treatment Plant.

Director Freshley stated that she doesn't feel a letter would be helpful and could create more hostility on the SOCWA issues.

Director Freshley suggested keeping the District's comment letter within PC-17. Mr. Cafferty will make the modification to the comment letter.

### MWDOC Reports

There were no comments.

### LAFCO

Mr. Cafferty stated that staff met with LAFCO representatives to discuss a financial table in the MSR report that identifies ETWD's Reserves.

Director Freshley stated that their newsletter (Pulse) will be distributed more widely.

## ISDOC

Director Monin stated that since ISDOC is a chapter of CSDA, he will be attending the CSDA annual conference next week.

## WACO

Director Monin stated that at the next meeting they will be presenting Director Vergara with a Certificate of Appreciation.

## COMMITTEE AND GENERAL INFORMATION

### Dates to Remember for August/September 2023

There were no comments.

### Comments Regarding Non-Agenda Items

There were no comments.

## Attorney Report

Mr. Granito reported that there is a need for a Closed Session at today's meeting to discuss one matter.

## Closed Session

At approximately 10:07 a.m. the Board went into Closed Session as agendized on today's Closed Session agenda. Also at this time Ms. Cimorell, Mr. Hopkins, Ms. Ford, Ms. Sharma, Ms. Setiz, Mr. Chu, Ms. Moore, Mr. McClean, and Ms. Welsch left the meeting.

## Regular Session

At approximately 10:12 the Board returned to Regular Session. Also at this time Ms. Welsch returned to the meeting.

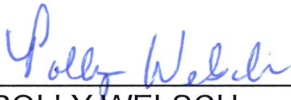
### Open Session Report

Mr. Granito reported that the Board went into Closed Session during which the General Manager and General Counsel led a discussion on one matter of potential litigation. No reportable action was taken.

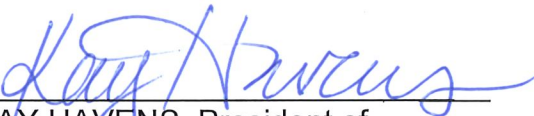
### Adjournment


There being no further business to come before the Board, the meeting was adjourned at 10:12 a.m.

Respectfully submitted,

  
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POLLY WELSCH  
Recording Secretary

APPROVED:

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

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