

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 21, 2023

7:30 a.m.

**BOARDROOM, DISTRICT OFFICE
24251 LOS ALISOS BLVD., LAKE FOREST, CA 92630**

This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the virtual component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

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/87921448280> (Meeting ID: 879 2144 8280).

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 – Director Gaskins

ROLL CALL (Determination of a Quorum)

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. **Consider Board Member's Request for Remote Participation (AB 2449)**

2. **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 26, 2023 Board meeting

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

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

GENERAL MANAGER ACTION ITEMS

4. **Resolution No. 23-11-1 Regular Board Meetings Schedule**

(Reference Materials Included)

Staff will review and comment on Resolution No. 23-11-1 which adopts the District's schedule of Regular Board Meetings for the 2024 calendar year.

Recommended Action: The Board of Directors will consider adopting Resolution No. 23-11-1 which adopts the District's schedule of Regular Board Meetings for the 2024 calendar year.

RESOLUTION 23-11-1

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ESTABLISHING DATE, TIME, AND PLACE OF
REGULAR BOARD MEETINGS FOR CALENDAR YEAR 2024

5. **Resolution No. 23-11-2 Adopting the Ninth Amendment to the District's Bylaws** (Reference Material Included)

Staff will review and comment on the Ninth Amendment to the District's Bylaws.

Recommended Action: Staff recommends that the Board of Directors 1) adopt Resolution No. 23-11-2 effective November 21, 2023, and 2) authorize and direct the Secretary to record the Ninth Amendment to the District's Bylaws with the Orange County Recorder's Office.

RESOLUTION NO. 23-11-2
OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ADOPTING THE NINTH AMENDMENT TO
THE DISTRICT'S BYLAWS

6. **Resolution No. 23-11-3 El Toro Water District Administrative Code**
(Reference Materials Included)

Staff will review and comment on the development and adoption of a consolidated Administrative Code for the District.

Recommended Action: The Board of Directors will consider adopting Resolution No. 23-11-3 which adopts the El Toro Water District Administrative Code.

RESOLUTION 23-11-3

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EL TORO WATER DISTRICT
ADOPTING THE EL TORO WATER DISTRICT
ADMINISTRATIVE CODE

GENERAL MANAGER INFORMATION ITEMS

7. **General Manager's Monthly Report** (Reference Material Included)

Staff will review and comment on the General Manager's Monthly Report.

8. **Legislative Reports** (Reference Material Included)

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

9. **Public Education and Outreach Report** (Reference Material Included)

Staff will review and comment on the Public Education and Outreach report.

10. **Water Use Efficiency Report** (Reference Material Included)
Staff will review and comment on the Water Use Efficiency Report.
11. **SOCWA Report** (Reference Material Included)
 - a. SOCWA Board Meeting – November 2, 2023
 - b. SOCWA Engineering Committee Meeting – November 9, 2023
 - c. SOCWA Finance Committee Meeting – November 21, 2023
12. **Municipal Water District of Orange County (MWDOC) Report**
(Reference Material Included)
 - a. MWDOC/MET Directors Workshop – November 1, 2023
 - b. MWDOC Planning/Operations Meeting – November 6, 2023
 - c. MWDOC Admin/Finance Meeting – November 8, 2023
 - d. MWDOC Board Meeting – November 15, 2023
 - e. MWDOC Managers Meeting – November 16, 2023
13. **Local Agency Formation Commission (LAFCO) Report**
(Reference Material Included)
Report on the November 8, 2023 LAFCO meeting
14. **ISDOC Meetings Report** (Reference Material Included)
Report on the November 7, 2023 ISDOC Executive Committee meeting
15. **WACO Meetings Report** (Reference Material Included)
 - a. Report on the November 3, 2023 WACO meeting
 - b. Report on the November 21, 2023 WACO Planning meeting

COMMITTEE AND GENERAL INFORMATION

16. **Dates to Remember for November/December 2023**
(Reference Material Included)

COMMENTS REGARDING NON-AGENDA ITEMS

ATTORNEY REPORT

CLOSED SESSION

1. Pursuant to Government Code Section 54956.9(d)(1) to consult with legal counsel and staff regarding the following existing litigation: *Plaintiff, Marlene Jean v. Defendants, Dollar Tree Stores, Inc. et al.*, Superior Court of Los Angeles Case No. 19STCV25234.
2. Pursuant to Government Code Section 564956.9(d)(2) to consult with legal counsel and staff - Potential Litigation (one matter).
3. **Conference with Legal Counsel-Existing Litigation, pursuant to Government Code Section 54956.9 (d)(1)**
In Re: Aqueous Film-Forming Foams Products Liability Litigation, Master Docket No.: 2:18-mn-2873-RMG, consider options, provide and receive direction on action in response to proposed settlements in: (1) City of Camden, et al. v. 3M Company, Civil Action No.: 2:23-cv-03147-RMG; and (2) City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.) et al., Civil Action No.: 2:23-cv-03230-RMG.
4. 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.

17. **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

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.