

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
January 19, 2022, 5:30 p.m.

President Sheldon called to order the January 19, 2022 regular meeting of the Orange County Water District Board of Directors at 5:30 p.m. Following the Pledge of Allegiance to the Flag, the District Secretary called the roll and reported a quorum as follows. Due to the continuing state of emergency declared by the Governor related to preventing the spread of COVID-19 and pursuant to Government Code Section 54953(e), members of the Board participated via Zoom webinar from remote locations. Public access was also provided via Zoom webinar.

Directors

Denis Bilodeau
Cathy Green
Nelida Mendoza
Dina Nguyen
Kelly Rowe
Stephen Sheldon
Harry Sidhu
Tri Ta
Bruce Whitaker
Roger Yoh

Staff

Michael R. Markus, General Manager
Jeremy Jungreis, General Counsel
Janice Durant, District Secretary

VISITOR PARTICIPATION

There were no visitors wishing to address the Board at today's meeting.

CONSENT CALENDAR

The following item was removed from the Consent Calendar for consideration: Item No. 6, *Completion of Contract No. SC-2019-1, Santiago Basin Intertie Repair*. The remainder of the Consent Calendar was then approved upon motion by Director Green, seconded by Director Ta and carried [10-0] as follows:

Ayes: Bilodeau, Green, Mendoza, Nguyen, Rowe, Sheldon, Sidhu, Ta, Whitaker, Yoh

1. Approval of Cash Disbursements

MOTION NO. 22-4
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of December 30, 2021 through January 12, 2022 in the total amount of \$15,418,732.92 is ratified and approved.

ITEMS RECOMMENDED FOR APPROVAL AT WATER ISSUES COMMITTEE MEETING
HELD JANUARY 12, 2022

2. Agreement with DDB Engineering for Preparation of 2021 GWRS Annual Report

RESOLUTION NO. 22-1-5
APPROVING AGREEMENT WITH DDB ENGINEERING FOR PREPARATION OF
2021 GWRS ANNUAL REPORT

RESOLVED, that issuance of an Agreement with DDB Engineering Inc. is authorized for amount not to exceed \$57,750 to provide consulting services for the preparation of the calendar year 2021 GWRS Annual Report.

3. Amendment to Agreement with James Pike for Prado Vireo Monitoring

RESOLUTION NO. 22-1-6
APPROVING AMENDMENT NO. FIVE TO AGREEMENT WITH JAMES PIKE FOR
PRADO VIREO MONITORING

WHEREAS, pursuant to Resolution No. 10-2-23 adopted February 17, 2010, as subsequently modified, OCWD authorized Agreement No. 0637 with James Pike for vireo and wildlife monitoring and services in the Prado Basin; and

WHEREAS, the Water Issues Committee of this Board has recommended approval of Amendment No. 5 to such Agreement to extend the termination date to December 31, 2023, and increase the not-to-exceed reimbursement amount by \$138,000 over a two-year period;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve Amendment No. 5 to such Agreement with James Pike as outlined herein; and, upon approval as to form, its execution by the District officers is authorized.

4. Contract No. FUL-2021-1, Fullerton Main Plant PFAS Water Treatment Plant: Engineers Report, Categorical Exemption, RFP for Granular Activated Carbon Media, and Notice Inviting Bids

RESOLUTION NO. 22-1-7
APPROVING ENGINEER'S REPORT FOR CONTRACT NO. FUL-2021-1 FULLERTON
MAIN PLANT PFAS WATER TREATMENT PLANT, AND AUTHORIZING FILING OF
CATEGORICAL EXEMPTION

WHEREAS, the District staff has submitted the Engineer's Report for the city of Fullerton Main Plant PFAS Water Treatment Plant to evaluate the need, benefits, and cost of constructing a Per- and Polyfluoroalkyl Substances (PFAS) treatment system for the City's Main Plant Production Well 3A, specifically to remove perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS); and

WHEREAS. The City has selected Granular Activated Carbon (GAC) as the PFAS treatment method; and

WHEREAS, the District staff has advised that such Project will consist of installing five GAC vessel systems in a lead-lag configuration (a total of 10 vessels) including the necessary piping, backwash facilities and related appurtenances; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), staff has determined that the Main Plant project is consistent with the Categorical Exemption for New Construction or Conversion of Small Structures (Class 3) because it consists of the construction and operation of a limited numbers of new, small facilities or structures;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby resolve as follows:

Section 1: The Engineer's Report for the Fullerton Main Plant (Well 3A) PFAS Water Treatment Plant Project is approved, and the project is determined project feasible, necessary, and beneficial to the lands of the District.

Section 2: Filing of a Categorical Exemption for the Fullerton Main Plant PFAS Water Treatment Plant project in compliance with the California Environmental Quality Act (CEQA) guidelines;

Section 3: Publication of a Request for Proposals is authorized to Procure and Install Granular Activated Carbon Media for the Fullerton Main Plant PFAS Treatment Plant; and

Section 4: Publication of Notice Inviting Bids for Contract No. FUL-2021-1, Fullerton Main Plant PFAS Water Treatment Plant is authorized.

5. Completion of Contract No. GWRS-2020-01 Groundwater Replenishment System Plant 2 Secondary Effluent Pipeline Rehabilitation Project

RESOLUTION NO. 21-1-8
ACCEPTING COMPLETION OF CONTRACT NO. GWRS-2020-1, GROUNDWATER
REPLENISHMENT SYSTEM PLANT 2 SECONDARY EFFLUENT PIPELINE
REHABILITATION PROJECT

WHEREAS, the District staff has reported that JF Shea Construction has completed work under Contract No. GWRS-2020-1, GWRS P2 Secondary Effluent Pipeline Rehabilitation Project; and

WHEREAS, the District staff has advised of issuance of Change Order Nos. 1 – 4 to JF Shea Construction Inc. for a total contract price decrease of \$47,266; and

WHEREAS, staff has recommended that the District accept completion of said work and that a Notice of Completion be filed for recordation and the balance of payment be made, pursuant to the terms and conditions of such contract;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby resolve as follows:

Section 1: Issuance of Change Order Nos. 1 through 4 to such contract is hereby ratified/approved.

Section 2: Work under such Contract is accepted as complete, and the District staff is authorized and directed to execute a Notice of Completion and record said Notice in the Office of the County Recorder.

Section 3: Upon expiration of the interim lien period, providing no liens have been filed, payment of the balance due under such Contract shall be made.

6. Completion of Contract No. SC-2019-1, Santiago Basin Intertie Repair

This item was removed from the Consent Calendar and considered later in tonight’s meeting.

ITEMS RECOMMENDED FOR APPROVAL AT ADMINISTRATION AND FINANCE ISSUES COMMITTEE MEETING HELD JANUARY 13, 2022

7. Monthly Cash Control Report

MOTION NO. 22-5
RECEIVING AND FILING THE MONTHLY CASH CONTROL REPORTS

The Summary Cash and Cash Equivalents Control Reports dated December 31, 2021 are hereby received and filed.

8. Investment Portfolio Holdings Reports

MOTION NO. 22-6
RECEIVING AND FILING THE INVESTMENT PORTFOLIO HOLDINGS REPORTS

The Investment Portfolio Holdings Reports dated December 31, 2021 are hereby received and filed.

9. BPP and RA Estimates for Fiscal Year 2022-23

MOTION NO. 22-7
AUTHORIZING STAFF TO PROVIDE FISCAL YEAR 2022-23 RA AND BPP ESTIMATES TO THE GROUNDWATER PRODUCERS

Staff is authorized to provide the Fiscal Year 2022-23 Replenishment Assessment (RA) and Basin Production Percentage (BPP) estimates to the Groundwater Producers as follows: RA of \$544/acre-foot and BPP of 77%.

ITEM REMOVED FROM CONSENT CALENDAR FOR CONSIDERATION

6. Completion of Contract No. SC-2019-1, Santiago Basin Intertie Repair

Director Rowe noted that the Santiago Creek is in an area prone to flooding. He stated that OCWD must be cautious about another storm ruining the repairs and suggested that OCWD have the Intertie repairs certified by the Corps of Engineers. He stated that once the Corps certifies that it is appropriately designed and constructed, they will cover 80% of future repairs as long as the project is recertified every five years. Director Bilodeau noted that the Board is unfamiliar with this program and requested that staff research OCWD participation in this program and return to the Board for approval. General Manager Markus added that the District is currently working with the Corps on the Santiago Basin improvements and that the Corps, as part of the Mainstem Project, is considering installation of a radial gate at the outlet of the Santiago Basins. He suggested it might be prudent to talk to the Corps while the project is being designed to determine whether the District should participate in the Rehabilitation and Inspection program.

Upon motion upon Director Rowe, seconded by Director Whitaker, the following resolution was unanimously adopted.

Ayes: Bilodeau, Green, Mendoza, Nguyen, Rowe, Sheldon, Sidhu, Ta, Whitaker, Yoh

RESOLUTION NO. 22-1-9
ACCEPTING COMPLETION OF CONTRACT NO. SC-2019-1,
SANTIAGO BASIN INTERTIE REPAIR PROJECT

WHEREAS, the District staff has reported that Innovative Construction Solutions has completed work under Contract No. SC-2019-1, Santiago Basin Intertie Repair Project; and

WHEREAS, the District staff has advised of issuance of the following Change Orders to Innovative Construction Solutions: No. 2 for a total contract price increase of \$6,753 for additional subgrade stabilization, and No. 3 in the amount of \$213,628, for Relocating Buried Concrete Encountered During Excavation;

WHEREAS, staff has recommended that the District accept completion of said work and that a Notice of Completion be filed for recordation and the balance of payment be made, pursuant to the terms and conditions of such contract;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby resolve as follows:

Section 1: Issuance of Change Order Nos. 2 and 3 to such contract are hereby ratified/approved.

Section 2: Work under such Contract is accepted as complete, and the District staff is authorized and directed to execute a Notice of Completion and record said Notice in the Office of the County Recorder.

Section 3: Upon expiration of the interim lien period, providing no liens have been filed, payment of the balance due under such Contract shall be made.

Section 4: Staff is directed to research the Rehabilitation and Inspection “insurance” program with the Corps of Engineers and return to the Board for approval prior to OCWD participation in such program.

INFORMATIONAL ITEMS

10. Santa Ana Watershed Project Authority Cloud Seeding Program Development Update

SAWPA General Manager Jeffrey Mosher provided an overview of SAWPA’s weather modification pilot program (cloud seeding).

11. Water Resources Summary

There was no discussion of this item.

12. Santa Ana Watershed Project Authority Commission Activities

Director Whitaker provided a brief update on SAWPA activities.

13. Committee/Conference/Meeting Reports

The Board reported on attendance at the following Committee meetings, noting that the Action Agendas were included in tonight’s Board packet. He noted that Tri Ta was elected as Chair of the GWRS Steering Committee for the coming year.

- January 06 – Communication and Legislative Liaison Committee
- January 10 – GWRS Steering Committee
- January 12 – Water Issues Committee
- January 13 – Administration and Finance Issues Committee

14. Verbal Reports

President Sheldon requested information be provided at the next Board meeting regarding the amount of money OCWD spends on environmental enhancement and migration work behind Prado Basin. He also requested the Board be provided with a GWRS Final Expansion update.

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 6:00 p.m. as follows.

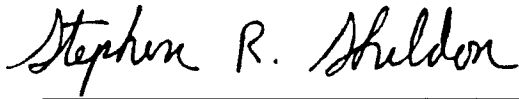
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –
[Government Code Section 54956.9(a)] – One case:
OCWD v. 3M Company Superior Court Case No.: 30-2020-01172419-CU-PL-CXC

RECONVENE IN OPEN SESSION

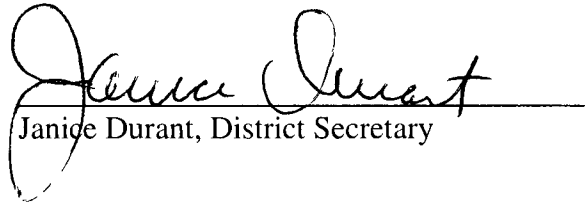
The Board reconvened in Open Session at 6:45 p.m. whereupon General Counsel Jungreis reported that no reportable action took place in Closed Session.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:45 p.m.



Stephen R. Sheldon, President



Janice Durant, District Secretary