

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
January 4, 2023, 5:30 p.m.

President Green called to order the January 4, 2023 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

Valerie Amezcu
Denis Bilodeau
Cathy Green
Dina Nguyen
Natalie Meeks
Kelly Rowe
Stephen Sheldon
Van Tran
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 tonight's meeting.

CONSENT CALENDAR

The Consent Calendar was then approved upon motion by Director Whitaker, seconded by Director Tran carried [9-0] as follows.

Ayes: Amezcu, Bilodeau, Green, Meeks, Rowe, Sheldon, Tran, Whitaker, Yoh
Absent: Nguyen

1. Approval of Cash Disbursements

MOTION NO. 22-1
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of December 16, 2022 through December 28, 2022 in the total amount of \$18,040,161.11 is ratified and approved.

2. Approval of Minutes of Board of Directors Meetings

MOTION NO. 22-2
APPROVING MINUTES OF BOARD OF DIRECTORS MEETINGS

The Minutes of the Board of Directors meeting held November 16, 2022 are hereby approved as presented.

3. Continuation of Virtual/Teleconference Meetings per Assembly Bill 361

RESOLUTION NO. 23-1-1
 RELYING ON GOVERNOR NEWSOM'S MARCH 4, 2020 PROCLAMATION OF A STATE OF
 EMERGENCY, AND AUTHORIZING VIRTUAL BOARD AND COMMITTEE MEETINGS
 PURSUANT TO AB 361

WHEREAS, the Orange County Water District of Orange County ("District") is committed to preserving public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend and participate in the Agency's meetings; and

WHEREAS, starting in March 2020, in response to the spread of COVID-19 in the State of California, the Governor issued a number of executive orders aimed at containing the COVID-19 virus; and

WHEREAS, among other things, these orders waived certain requirements of the Brown Act to allow legislative bodies to meet virtually; and

WHEREAS, pursuant to the Governor's executive orders, the District has been holding virtual meetings during the pandemic in the interest of protecting the health and safety of the public, District staff and Directors; and

WHEREAS, the Governor's executive orders related to the suspension of certain provisions of the Brown Act expired on September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361, Government Code Section 54953(e), which allows legislative bodies to meet virtually provided there is a state of emergency declared by the Governor, and the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, a state of emergency has been proclaimed related to COVID-19 by the Governor of California as of March 4, 2020, and because of the ongoing threat of COVID-19, meeting in person would present imminent risks to the health and safety of attendees;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ORANGE COUNTY WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: Remote Teleconference Meetings: Consistent with the provisions of Government Code Section 54953(e), the Board of Directors finds and determines that (1) a state of emergency related to COVID-19 is currently in effect, and (2) due to the COVID-19 emergency, meeting in person would present imminent risks to the health and safety of attendees; and, based on the foregoing facts, findings and determinations, the Board authorizes staff to conduct remote teleconference meetings of the Board of Directors, including Committee meetings, per the provisions of Government Code Section 54953(e).

Section 2: Effective Date of Resolution. This Resolution shall take effect upon adoption and shall be effective for 30 days unless earlier extended by a majority vote of the Board of Directors.

4. Demand Response Program Enrollment for Burriss Pit Pump Station with Enel X

RESOLUTION NO. 23-1-2
APPROVING DEMAND RESPONSE PROGRAM ENROLLMENT FOR BURRIS PIT PUMP
STATION WITH ENEL X

WHEREAS, the District staff has advised that OCWD participates in a Demand Response electrical load curtailing program for the Groundwater Replenishment System with Enel X, a program offered by Southern California Edison (SCE) and administered by third party aggregator Enel X where facilities can earn income for voluntarily reducing electrical demand during times of strain on the state’s electrical grid; and

WHEREAS, Enel X has offered to enroll the Burriss Pit Pump Station, which is part of the groundwater recharge facilities located in Anaheim, in the Base Interruptible Program (BIP) with a potential payment rate estimated at \$50,000 per year; and

WHEREAS, staff has recommended enrollment of the Burriss Pit Pump Station in such BIP Demand Response program for a period of five years starting in February 2023;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby authorize the General Manager to finalize and execute a five-year agreement for Demand Response between February 1, 2023 and January 31, 2028 with Enel X for a firm service level of 25 kilowatts for the Burriss Pit Pump Station.

Director Nguyen arrived during discussion of the following item.

MATTER FOR CONSIDERATION

5. Updated Agreement Deal Points with the Municipal Water District of Orange County

Executive Director John Kennedy recalled that the Board established the Grand Jury ad-hoc Committee to work with the Municipal Water District of Orange County (MWDOC) to develop Deal Points for an agreement to address access and coordination issues with the Metropolitan Water District (MWD) as a compromise to implementing the recent Grand Jury’s recommendation to consolidate the two agencies. With the approval of the Deal Points and a subsequent agreement, he stated the District would discontinue exploring a possible consolidation with MWDOC. Mr. Kennedy outlined the updated Deal Points developed for Board review. Most notably, he stated that OCWD desires a time certain to nominate a person to the MWD Board, with MWDOC maintaining the discretion to determine which of its four seats would be made available. In addition, he advised that an OCWD Board member appointed to the MWD Board could be deemed an “incompatibility of office” issue and disallowed; therefore, OCWD would seek legislation to allow such an appointment and would request MWDOC to modify Section 1500 of its administrative code accordingly. Mr. Kennedy advised that the MWDOC Board would review the updated Deal Points at its meeting on January 4, 2023, noting that staff will participate in that meeting and provide a summary to the Board. Additionally, he stated that MWDOC will also review the Deal Points with its member agencies on January 12, 2023, and that OCWD staff will review the updated Deal Points with the Groundwater Producers on January 11, 2023. In conclusion, Mr. Kennedy stated that the MWDOC has requested that OCWD delay any decisions on the matter until its January 18 Board meeting.

MWDOC Director Karl Seckel stated that he has served on the ad hoc Committee for several months but that most of the other Directors have not had a chance to review the issue in detail. He requested additional time to meet with his Board and member agencies to review the Deal Points. The OCWD Board stressed the need for an OCWD Board workshop to update the entire Board on ad hoc Committee activities. Director Rowe moved the defer the action to January 18 but then withdrew his motion in favor of the following action.

MOTION NO. 23-3
PROVIDING DIRECTION TO STAFF FOR UPDATED AGREEMENT DEAL POINTS WITH THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

Upon motion by Director Rowe, seconded by Director Green and carried [10-0], the following actions in connection with the proposed Agreement with the Municipal Water District of Orange County are hereby authorized:

- 1) Send out email to MWDOC with deal points and ask that we be allowed to present at MWDOC member agency meeting on January 12, 2023
- 2) Set up a study session for the Board
- 3) Schedule a Joint Board meeting with MWDOC to discuss consolidation and Deal Points
- 4) Postpone action on the Agreement Deal Points with MWDOC until January 18, 2022 Board meeting and collaborate with MWDOC on this process.

Ayes: Amezqua, Bilodeau, Green, Meeks, Nguyen, Rowe, Sheldon, Tran, Whitaker, Yoh

INFORMATIONAL ITEMS

6. PFAS Update

Director of Engineering Chris Olsen provided an update on PFAS treatment plant construction activities.

7. Committee/Conference/Meeting Reports

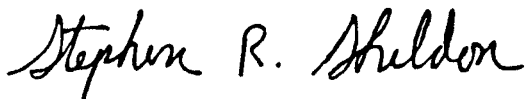
There were no reports on committees, conferences, or meetings.

8. Verbal Reports

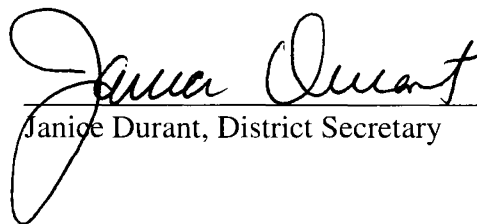
New Director Natalie Meeks advised that she would contact President Green regarding her preferences for Committee and Outside Agency Assignments.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:05 p.m.



Stephen R. Sheldon, President



Janice Durant, District Secretary