

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

President Sheldon called to order the January 5, 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. 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

1, Director/Employee Service Awards

The Board presented Director Rowe with his five-year service pin. The following employees were recognized for their service: 20 years: Christian Alvarez, William Bradberry, Betty Freeman, Bonnie Johnson, Sumedha Weeratunga; 30 years: Vickie Nguyen, Brian Okey

2. Public Hearing to Consider the OCWD Boundary Adjustment Process

President Sheldon opened the Public Hearing to consider OCWD Boundary adjustments. He stated that State law requires the District to adjust the boundaries of Board divisions one through seven per Elections Code 22000-22002 based on the 2020 census data in order to, as far as practicable, equalize the populations in each of these divisions. General Manager Mike Markus advised that the new 2020 population data was provided to the Administration Finance Committee on October 14, to the Board on December 15, and is contained in tonight's Board packet under Table 1 for the existing divisions. He stated that staff provided an option with adjusted boundaries of Board Divisions one through seven, noting that Divisions 8, 9,10 have appointed Directors and are not subject to boundary adjustment laws. He noted that the District is required to hold two public hearings before making any necessary division boundary adjustments.

District Hydrogeologist Roy Herndon provided an overview of the population of Divisions 1 through 7 pointing out that the average population is 233,484. He reviewed each Division and the percentage deviation from the average and advised that Division 5 contains the greatest number of people and Division 1 contains the fewest. Mr. Herndon provided staff's proposal to equalize the population of these seven Divisions, noting that the general rule is that deviations of less than

ten percent of the population between divisions is acceptable provided the revised divisions are adjusted after considering the factors such as topography; geography; cohesiveness, contiguity, integrity, and compactness of territory; and communities of interest in the District. Director Bilodeau stated he and the other Board members would continue to look at ways to bring the numbers closer to zero in terms of the deviation and invited the public to submit comments. President Sheldon then opened the hearing for public testimony. There being no persons wishing to address the hearing was closed as follows:

MOTION NO. 22-1
CLOSING PUBLIC HEARING NO. 1 TO CONSIDER OCWD
BOUNDARY ADJUSTMENTS

Upon motion by Director Sheldon, seconded by Director Green, there being no further persons wishing to present testimony, public hearing No. 1 to determine if it is desirable to adjust one or more of OCWD's division boundaries is declared closed.

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

MOTION NO. 22-2
SCHEDULING SECOND PUBLIC HEARING TO CONSIDER BOUNDARY
ADJUSTMENTS FOR MARCH 16

Upon motion by Director Bilodeau, seconded by Director Yoh, a second public hearing as required by Elections Code Sections 22000-22002 to determine if it is desirable to adjust one or more of OCWD's division boundaries is hereby scheduled for March 16, 2022, and the Board and the public are invited to submit comments or maps for consideration by the Board prior to the next public hearing.

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

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 Green, seconded by Director Whitaker and carried [9-0] as follows:

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

3. Approval of Cash Disbursements

MOTION NO. 22-3
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of December 9, 2021, through December 29, 2021 in the total amount of \$24,484,626.97 is ratified and approved.

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

RESOLUTION NO. 22-1-1
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 either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) 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, local officials continue to recommend measures to promote social distancing, 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; (2) state and/or local officials have recommended measures to promote social distancing in connection with COVID-19; and (3) 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

5. Resolution Honoring James F. McConnell for his Service with Orange County Water District

RESOLUTION 22-1-2
COMMENDING FEDERAL LEGISLATIVE ADVOCATE JAMES MCCONNELL
FOR HIS SERVICE TO THE ORANGE COUNTY WATER DISTRICT

WHEREAS, James McConnell has served as the Orange County Water District's (OCWD) federal lobbyist since 1985 and has worked with Congress and the Administration to secure federal authorization and appropriations support for various programs and projects; and,

WHEREAS, Mr. McConnell also secured federal appropriations for the U.S. Army Corps of Engineers (the Corps) Santa Ana River Mainstem Project to increase flood risk protection in Orange County. From 1980 to 1986, Mr. McConnell worked with California Senators, the Orange County Congressional Delegation, the public works committees of the Senate and House of Representatives, and the Corps to secure authorization of the project in the 1986 Water Resources Development Act (WRDA). The Santa Ana River Mainstem Project has received over \$1 billion in federal funding since Mr. McConnell helped to secure the first federal appropriation; and

WHEREAS, in 1996, Mr. McConnell secured a \$20 million authorization for the Groundwater Replenishment System (GWRS) as a Bureau of Reclamation Title XVI project; and

WHEREAS, Mr. McConnell worked to fully fund and complete the Prado Feasibility Study in 2006, an effort that provided for expanded incidental water conservation at Prado Dam. A Memorandum of Understanding (MOU) was negotiated that allowed seasonal storage at the facility with OCWD paying the Corps only the incidental costs of maintaining the facility for water conservation purposes. Since then, the agreement has twice been amended to allow for increases in water conservation; and

WHEREAS, Mr. McConnell secured WRDA authorization in 2007 for the Corps to continue the water conservation program at Prado after completion of the Santa Ana River Mainstem Project. Approximately \$750 million worth of water which would otherwise have flowed into the ocean has been captured into the Orange County Groundwater Basin because of these efforts; and

WHEREAS, starting in 2011, Mr. McConnell worked with California Senators, the Orange County Congressional Delegation and the public works committees of the Senate and House of Representatives to build support for the Prado Basin Ecosystem Restoration and Water Conservation Study, which received a completed Chief of Engineers report in 2021. The water conservation portion of the Study was also approved through an update to the Prado Dam Water Control Manual in 2021; and

WHEREAS, Mr. McConnell facilitated meetings with Congressional representatives and federal agency staff that helped pave the way for a settlement agreement between OCWD, Irvine Ranch Water District and the Department of Navy. This agreement led to the successful implementation of the jointly funded Irvine Desalter Project to contain, remove, treat, and beneficially use groundwater impacted by volatile organic compounds from the former Marine Corps Air Station El Toro; and

WHEREAS, with Mr. McConnell's guidance OCWD secured a \$135 million low-interest Water Infrastructure and Finance Innovation Act (WIFIA) loan for the GWRS final expansion project. Due to the gain of the WIFIA financing, the Senate Environment and Public Works Committee invited OCWD (Director Vicente Sarmiento) to testify as the only water agency on July 11, 2018; and

WHEREAS, Mr. McConnell collaborated with the Orange County delegation and Scripps Institute of Oceanography in support of Fiscal Years 2019, 2020, and 2021 funding requests for the Corps for the Forecast Informed Reservoir Operations (FIRO) program. Funding was achieved at Scripps' requested levels in both fiscal years 2019 and 2020; and

WHEREAS, Mr. McConnell worked with Representative Ken Calvert and the House Interior Appropriations Subcommittee to maintain optimal funding of the State Revolving Fund (SRF) program in fiscal years 2019 and 2020. Mr. McConnell kept the Orange County Congressional Delegation informed of the need for a robust SRF program which OCWD has relied upon to help fund many projects.

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby officially commend and congratulate Jim McConnell on his dedication and nearly 40 years of service to the Orange County Water District. It is with great appreciation that the Board wishes him well in his retirement.

6. Federal Legislative Advocacy Services

RESOLUTION NO. 22-1-3
 APPROVING AGREEMENT WITH ENS RESOURCES FOR
 FEDERAL LEGISLATIVE ADVOCACY SERVICES

RESOLVED, that issuance of an Agreement to ENS Resources is authorized for federal legislative advocacy services beginning January 1, 2022 in an amount not to exceed \$8,000 per month; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

Director Nguyen arrived at this point in tonight's meeting.

MATTER FOR CONSIDERATION

7. Evoqua Water Technologies LLC Resin Media Agreement

Director of Engineering Chris Olsen drew the Board's attention to a revised Agenda submittal for this item that contains information regarding a protest of the staff's recommendation for award of this contract to Evoqua. He stated that staff issued a Request for Quotes to purchase ion exchange resin media from one of the three resin companies that participated in the District's pilot testing program. Based on an evaluation of pricing, pilot performance, and life cycle cost, he stated that staff recommends executing a resin purchase agreement with Evoqua Water Technologies, LLC. Mr. Olsen reported that the District received a protest letter yesterday from Calgon Carbon objecting to OCWD's intent to award the contract to Evoqua as it expects their CalRes 2301 to perform as well as, if not better than, Evoqua's PSR2+ on the typical source waters. He stated that District Legal Counsel has reviewed the protest letter and determined it does not state a proper legal basis for a bid protest, noting that the purchase of resin from a qualified supplier is a materials agreement involving the acquisition of personal property, not a public works contract triggering the competitive bidding procedures of the Public Contracts Code. Additionally, for this proposed award, Mr. Olsen stated OCWD obtained three quotes from qualified vendors, and then sought Board approval for OCWD's selection of a supplier consistent with the requirements of Sections 6.7 and 6.8 of OCWD's Policies and Procedures Manual. Director Sheldon inquired how the product would be treated when it is disposed of in a landfill and Mr. Olsen indicated he would determine the classification.

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

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

Absent: Mendoza

RESOLUTION NO. 22-1-4
AUTHORIZING TWO-YEAR AGREEMENT WITH EVOQUA WATER TECHNOLOGIES, LLC
FOR PURCHASE OF ION EXCHANGE RESIN MEDIA,
AND REJECTING PROTEST FROM CALGON CARBON

RESOLVED, that a two-year Agreement with Evoqua Water Technologies, LLC is authorized for an amount not to exceed \$15,000,000 for purchase of Resin Media, and upon approval as to form by District General Counsel, its execution by the District officers is authorized.

RESOLVED FURTHER, that the “protest” by Calgon Carbon received by OCWD on January 4, 2022 in connection with the aforementioned Agreement is hereby rejected.

INFORMATIONAL ITEMS

8. PFAS Update

Director of Engineering Chris Olsen provided an overview of PFAS design and construction activities, and Executive Director Jason Dadakis provided a brief federal and state regulatory update.

9. Santa Ana Watershed Project Activities

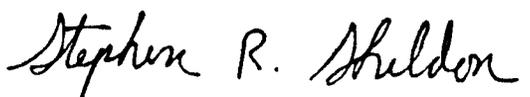
Director Whitaker provided a brief update of SAWPA activities.

VERBAL REPORTS

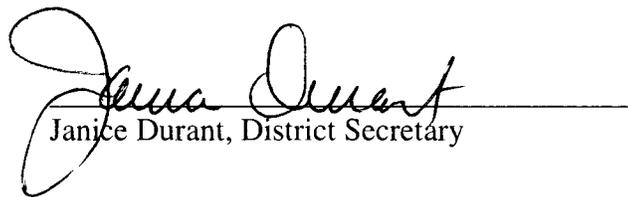
There were no verbal reports given.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:33 p.m.



Stephen R. Sheldon, President


Janice Durant, District Secretary