

MINUTES OF MEETING  
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT  
October 7, 2020, 5:30 p.m.

President Sarmiento called to order the October 7, 2020 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 Governor's Executive Order N-25-20, members of the Board participated via Zoom webinar from remote locations. Public access was also provided via Zoom webinar.

Directors

Denis Bilodeau  
Jordan Brandman  
Cathy Green  
Dina Nguyen  
Kelly Rowe  
Vicente Sarmiento  
Stephen Sheldon  
Tri Ta  
Roger Yoh  
Ahmad Zahra

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 approved upon motion by Director Green, seconded by Director Ta and carried [8-0] as follows:

Ayes: Bilodeau, Green, Rowe, Sarmiento, Sheldon, Ta, Yoh, Zahra  
Absent: Brandman, Nguyen

1. Approval of Cash Disbursements

MOTION NO. 20-104  
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of September 10, 2020 through September 30, 2020 in the total amount of \$13,189,025.44 is ratified and approved.

2. Approval of Minutes of Board Meeting

MOTION NO. 20-105  
APPROVING MINUTES OF BOARD MEETING

The minutes of the Board of Directors meeting held September 2, 2020 are approved as presented.

3. Potential Exclusive Due Diligence Agreement (EDDA) For Floating Solar Panels Electrical Facility at Santiago Basin

MOTION NO. 20-106  
AUTHORIZING NEGOTIATION OF EXCLUSIVE DUE DILIGENCE AGREEMENT WITH NORIA ENERGY FOR THE DEVELOPMENT OF A FLOATING SOLAR PANELS ELECTRICAL FACILITY AT SANTIAGO

Staff is authorized to negotiate an Exclusive Due Diligence Agreement (EDDA) with Noria Energy for the development of a floating solar panels electrical facility at Santiago Basin in Orange.

MATTER FOR CONSIDERATION

4. Contract No. Ful-2020-1, Fullerton Kimberly Well 1A PFAS Water Treatment Plant: Award Construction Contract to Pascal & Ludwig Constructors

Director of Engineering Chris Olsen advised that seven construction bids were received on September 29, 2020 for Contract No. FUL-2020-1, Fullerton Kimberly Well 1A PFAS Water Treatment Plant. Based on reviews of the bids, he stated that staff recommends award of the contract to the lowest responsible bidder Pascal & Ludwig Constructors for \$1,565,300. Mr. Olsen noted that the State Division of Drinking Water (DDW) has reviewed the design plans and specifications and has issued a conditional design acceptance letter which assures that OCWD is proceeding with a project that can be permitted by DDW for use as part of the City's domestic water system. He noted that final approval of the project is not granted until after construction and satisfaction of water treatment objectives is proven.

Upon motion by Director Zahra, seconded by Director Ta, the following resolution was unanimously carried [10-0].

Ayes: Bilodeau, Brandman, Green, Nguyen, Rowe, Sarmiento, Sheldon, Ta, Yoh, Zahra

RESOLUTION NO. 20-10-130  
AWARDING CONTRACT NO. FUL-2020-1, FULLERTON KIMBERLY WELL 1A PFAS WATER TREATMENT PLANT TO PASCAL & LUDWIG CONSTRUCTORS

WHEREAS, a Notice Inviting Bids for Contract No. FUL-2020-1, Fullerton Kimberly Well 1A PFAS Water Treatment Plant, was published on in *The Orange County Register* on August 29, 2020; and

WHEREAS, the following bids were received and opened on September 29, 2020:

Pascal & Ludwig Constructors	\$ 1,565,300
Pacific Hydrotech Corp	\$ 1,659,500
R C Foster Corporation	\$ 1,733,600
SCW Contracting Corp	\$ 1,867,626
Innovative Construction Solutions	\$ 1,946,000
J.F. Shea Construction	\$ 1,999,000
Metro Builders & Engineers Group, Ltd	\$ 2,625,468

WHEREAS, the Water Issues Committee of this Board has recommended award of said Contract to the lowest responsive bidder, Pascal & Ludwig Constructors, in the amount of \$1,565,300; and

WHEREAS, staff has recommended establishment of a project budget in the amount of \$3,758,000;

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

Section 1: The Affidavit of Publication of Notice Inviting Bids for Contract No. FUL-2020-1 is received and filed.

Section 2: The lowest responsive bid of Pascal & Ludwig Constructors in the amount of \$1,565,300 is accepted and all other bids are rejected.

Section 3: The District officers are authorized to execute an Agreement on behalf of the District, in a form heretofore approved by this Board, with Pascal & Ludwig Constructors, pursuant to the terms of its proposal.

Section 4: The District General Counsel is authorized to approve the Performance and Labor and Materials Bonds submitted by said contractor on behalf of the District, provided the bonds comply with the requirements of the bid proposal.

Section 5: The District staff is directed to notify the unsuccessful bidder of the action taken herein; and, upon execution of the agreement by the successful bidder, to return to the unsuccessful bidders their Bid Bonds.

Section 6: A project budget for the Fullerton Kimberly Well 1A PFAS Water Treatment Plant is hereby established in the amount of \$3,758,000.

5. Contract No. SC-2019-1, Santiago Basin Intertie Rehabilitation: Publication of Notice Inviting Bids and Issuance of Purchase Order for Box Culvert Pre-Purchase

Principal Engineer Ryan Bouley advised that the Federal Emergency Management Agency (FEMA) has obligated funds to reimburse OCWD for repairs and hazard mitigation to the Santiago Basin Intertie caused by the winter storms of 2010-11, subject to a deadline to complete repairs of December 31, 2021. He stated that TerraCosta Consulting Group has completed construction documents that includes earthwork and a 534-foot long, 12-foot inner dimension box culvert for the Santiago Basin Intertie Rehabilitation Project. Mr. Bouley recommended authorizing publication of the Notice Inviting Bids (NIB) for Contract No. SC-2019-1 Santiago Basin Intertie Rehabilitation Project, and issuing a Purchase Order to Oldcastle Precast in the amount of \$1,174,000 to pre-purchase the precast box culvert to reduce the lead time in receiving this item.

Upon motion by Director Rowe, seconded by Director Bilodeau, the following resolution was unanimously adopted [10-0].

Ayes: Bilodeau, Brandman, Green, Nguyen, Rowe, Sarmiento, Sheldon, Ta, Yoh, Zahra

RESOLUTION NO. 20-10-131  
AUTHORIZING PUBLICATION OF NOTICE INVITING BIDS FOR CONTRACT  
NO. SC-2019-1, SANTIAGO BASIN INTERTIE REHABILITATION PROJECT; AND  
AUTHORIZING A PURCHASE ORDER TO OLDCASTLE PRECAST TO PRE-PURCHASE  
THE PRECAST BOX CULVERT

WHEREAS, the Federal Emergency Management Agency (FEMA) has obligated funds to reimburse OCWD for repairs and hazard mitigation to the Santiago Basin Intertie caused by heavy winter storms in 2010-11; and

WHEREAS, the District staff has advised that FEMA will reimburse OCWD for 75% of the \$3.25 million cost of repairs, for a total reimbursement of up to \$2.43 million, with a deadline for completion of the repair work of December 31, 2021; and

WHEREAS, the District staff has advised that TerraCosta Consulting Group has completed construction documents that includes earthwork and a 534-foot long, 12-foot inner dimension box culvert for the Santiago Basin Intertie Rehabilitation Project; and

WHEREAS, staff recommends authorizing publication of the Notice Inviting Bids for Contract No. SC-2019-1, Santiago Basin Intertie Rehabilitation Project; and

WHEREAS, staff further recommends issuance of a Purchase Order to Oldcastle Precast in the amount of \$1,174,000 to pre-purchase the precast box culvert to reduce the lead time in receiving this item;

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

Section 1: Publication of Notice Inviting Bids for Contract No. SC-2019-1, Santiago Basin Intertie Rehabilitation Project, is authorized.

Section 2: Issuance of a Purchase Order to Oldcastle Precast in the amount of \$1,174,000 to pre-purchase the precast box culvert required for such project is authorized.

## INFORMATIONAL ITEMS

### 6. PFAS Update

Director of Health and Regulatory Jason Dadakis stated that testing has begun under the new State Division of Drinking Water orders given to 15 OCWD Groundwater Producers in September that covers 86 wells. He stated these new orders require quarterly testing for at least one year. Mr. Dadakis advised that the State Board received a PFAS informational item from its staff regarding the Statewide investigation effort that reports the new orders covered 225 public water systems across the state with approximately 890 wells impacted. He advised that OCWD can anticipate the first notification in November 2020 for the new notification and response levels for additional PFAS beyond PFOA and PFOS which is projected to be for PFBS, the four carbon replacement for PFOS.

Director of Engineering Chris Olsen updated the Board on PFAS treatment project construction contracts scheduled for the remainder of 2020. He stated that the Serrano Water District contract will be awarded on November 4, and that Garden Grove and Yorba Linda are both nearing 90% design. He stated staff will most likely come to the Board in December to request approval to advertise the Notice Inviting Bids for construction contracts for those two projects.

### 7. Santa Ana Watershed Project Authorities Activities

Director Rowe advised that SAWPA is screening candidates for the General Manager position. He noted that SAWPA will host a statewide Virtual Summit, "Ensuring Equitable Engagement in Regional Water Planning," on October 8, October 13 and October 14.

## 8. COMMITTEE REPORTS

The Board reported on attendance at the following Committee meetings, noting that the Action Agendas were included in tonight's Board packet.

September 25 - Property Management Committee  
 October 05 - OCWD/MWDOC Building Management Committee

Director Sheldon reported on the newly convened Joint Building Management Committee. He stated that the meeting was also attended by Directors Brandman, Rowe and Yoh. Director Sheldon reported that MWDOC has accepted OCWD's offer to store their chairs and tables in the Boardroom storage area. He noted that MWDOC deferred action appointing Directors to the Committee until after the upcoming November election, and stated that the Committee will meet again in sometime in January.

VERBAL REPORTS

Directors Ta, Rowe, Green, and Zahra reported on their attendance at the Water Education for Latino Leaders (WELL) Webinar on October 6. Director Green advised that she also attended an ACWA Budget Workshop on September 24 and an ACWA Board meeting on September 25 at which the ACWA budget was passed. President Sarmiento urged staff to review SB1000, an environmental justice piece of legislation, that compels governments to look at contaminants.

RECESS TO CLOSED SESSION

The Board adjourned to Closed Session at 6:15 p.m. as follows:

OCWD v. Sabic Innovative Plastics, LLC, et al (South Basin Litigation)  
Superior Court Case No. 03CC 00078246

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 6:18 p.m. whereupon General Counsel Jeremy Jungreis announced that the Board took the following action in Closed Session by a vote of 9-0.

CS-R20-9-1  
APPROVING SETTLEMENTS IN THE CASE OF OCWD v. SABIC INNOVATIVE PLASTICS, LLC, ET AL, (SOUTH BASIN LITIGATION)

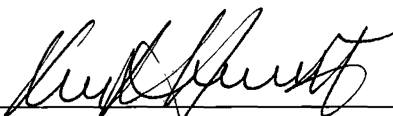
RESOLVED, that, in the case of *OCWD v. Sabic Innovative Plastics*, final settlements are approved with: 1) Accurate Circuit Engineering, Inc. and Dyer Business Associates, L.P. in the total amount of \$3 million; and 2) Ricoh Electronics in the total amount of \$1.45 million and assignment of certain claims to OCWD and agreement to continue cleanup at its site under the supervision of the Regional Water Quality Control Board.

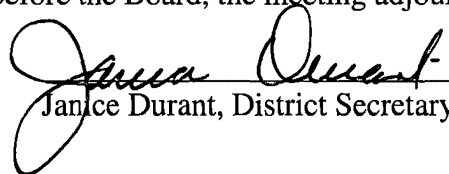
Ayes: Bilodeau, Brandman, Green, Nguyen, Rowe, Sarmiento, Ta, Yoh, Zahra

Absent: Sheldon

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:30 p.m.

  
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Vicente Sarmiento, President

  
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Janice Durant, District Secretary