

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
November 16, 2022, 5:30 p.m.

Vice President Green called to order the November 16, 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 (absent)
Gloria Ma'ae
Dina Nguyen
Kelly Rowe
Stephen Sheldon
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 tonight's meeting.

CONSENT CALENDAR

The Consent Calendar was then approved upon motion by Director Green, seconded by Director Yoh and carried [8-0] as follows:

Ayes: Bilodeau, Green, Ma'ae, Nguyen, Rowe, Ta, Whitaker, Yoh
Absent: Mendoza, Sheldon

1. Approval of Cash Disbursements

MOTION NO. 22-115
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of October 27, 2022 through November 9, 2022 in the total amount of \$6,751,174.41 is ratified and approved.

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

RESOLUTION NO. 22-11-152
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.

3. Ratification of Bond Basin Emergency Slope Repair Contract

RESOLUTION NO. 22-11-153
APPROVING AND RATIFYING BOND BASIN EMERGENCY SLOPE REPAIR
CONTRACTS WITH ACCESS LIMITED CONSTRUCTION AND
ENGEIO INCORPORATED

WHEREAS, the District staff advised that the southeast corner of Bond Basin adjacent to the Hewes Street and Bond Avenue intersection experienced erosion and needed immediate repair in preparation for the winter storm season; and

WHEREAS, in this regard, an emergency contract was executed with Access Limited Construction in the amount of \$992,000 to stabilize the corner and prevent any additional significant damage to the corner of the basin; and an amendment was issued to ENGEIO Incorporated for testing, construction inspection and reporting in the amount of \$76,400; and

WHEREAS, such Basin contains a city Orange storm drain and staff has advised that the city of Orange is equally sharing the cost of the repair;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby ratify issuance of the following agreements for emergency slope repair at Bond Basin: 1) Agreement to Access Limited Construction; and 2) Amendment to Agreement with ENGEIO Incorporated.

4. Helix Water District DeAna Verbeke Retirement Resolution

RESOLUTION NO. 22-11-154
COMMEMORATING THE RETIREMENT OF DEANA VERBEKE FROM
HELIX WATER DISTRICT

WHEREAS, DeAna’s public service to the water and local government sectors spans decades; and

WHEREAS, DeAna served on the board of directors of the Helix Water District (HWD) for 17 years, serving two terms as the board president and several terms as vice president; and WHEREAS, DeAna's leadership on the board supported HWD's successful planning and operations; and

WHEREAS, DeAna supported the water industry at a statewide level serving on the Association of California Water Agencies Board of Directors; and

WHEREAS, DeAna was active at the regional level representing HWD through her participation in the Water Conservation Garden Joint Powers Authority, the San Diego River Conservancy, Harry Griffen Regional Park Joint Powers Authority, San Diego East County Chamber of Commerce, the Urban Water Institute, the San Diego County Water Authority Board of Directors, La Mesa Chamber of Commerce Board, La Mesa Environmental Sustainability Commission, and California Special Districts Association San Diego Chapter; and

WHEREAS, DeAna and her fellow board members partnered with the Padre Dam Municipal Water District Board of Directors, city of El Cajon and the County of San Diego in the development of the East County Advanced Water Purification program that will bring a sustainable water supply to East County; and

WHEREAS, DeAna received a bachelor's degree from National University, completed water and wastewater classes at Cuyamaca College, and finished the Steven Covey Leadership Master's Program; and

WHEREAS, DeAna has been an active member of her community where she volunteers countless hours caring for the homeless; and

NOW, THEREFORE, let it be resolved that the Board of Directors of the Orange County Water District hereby officially commend and congratulate DeAna Verbeke on her successful leadership at Helix Water District and wishes her well in her retirement.

5. Authorization Resolutions for PFAS Grant Applications with the SWRCB

RESOLUTION NO. 22-11-155

AUTHORIZING A REPRESENTATIVE TO SIGN AND FILE A FINANCIAL ASSISTANCE APPLICATION FOR A FINANCING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR IRVINE RANCH WATER DISTRICT ORANGE PARK ACRES WELL REPLACEMENT PROJECT

RESOLVED BY THE Board of Directors of the Orange County Water District, as follows: The General Manager (the "Authorized Representative") or designee is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Irvine Ranch Water District Orange Park Acres Well Replacement Project.

RESOLVED FURTHER, that this Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

RESOLVED FURTHER, that the Authorized Representative, or his/her designee, is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

RESOLUTION NO. 22-11-156
AUTHORIZING A REPRESENTATIVE TO SIGN AND FILE A FINANCIAL ASSISTANCE
APPLICATION FOR A FINANCING AGREEMENT WITH THE STATE WATER
RESOURCES CONTROL BOARD FOR EAST ORANGE COUNTY WATER DISTRICT
PFAS WATER TREATMENT PLANTS

RESOLVED BY THE Board of Directors of the Orange County Water District, as follows: The General Manager (the "Authorized Representative") or designee is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the East Orange County Water District PFAS Water Treatment Plant.

RESOLVED FURTHER, that this Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

RESOLVED FURTHER, that the Authorized Representative, or his/her designee, is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

RESOLUTION NO. 22-11-157
AUTHORIZING A REPRESENTATIVE TO SIGN AND FILE A FINANCIAL ASSISTANCE
APPLICATION FOR A FINANCING AGREEMENT WITH THE STATE WATER
RESOURCES CONTROL BOARD FOR GOLDEN STATE WATER COMPANY WATER
TREATMENT PLANTS

RESOLVED BY THE Board of Directors of the Orange County Water District, as follows: The General Manager (the "Authorized Representative") or designee is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Golden State Water Company Water Treatment Plants.

RESOLVED FURTHER, that this Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

RESOLVED FURTHER, that the Authorized Representative, or his/her designee, is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

RESOLUTION NO. 22-11-158
AUTHORIZING A REPRESENTATIVE TO SIGN AND FILE A FINANCIAL ASSISTANCE
APPLICATION FOR A FINANCING AGREEMENT WITH THE STATE WATER
RESOURCES CONTROL BOARD FOR CITY OF SANTA ANA WELLS 27 AND PFAS
WATER TREATMENT SYSTEMS

RESOLVED BY THE Board of Directors of the Orange County Water District, as follows: The General Manager (the "Authorized Representative") or designee is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the City of Santa Ana Wells 27 and 28 PFAS Treatment Systems .

RESOLVED FURTHER, that this Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

RESOLVED FURTHER, that the Authorized Representative, or his/her designee, is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

ITEMS RECOMMENDED FOR APPROVAL AT PROPERTY MANAGEMENT
COMMITTEE MEETING HELD OCTOBER 28

6. Sunny Slope Tree Farm Company Vacating District Property and Terminating Lease

MOTION NO. 22-116
AUTHORIZING STAFF TO ENGAGE THE SERVICES OF VOIT REAL ESTATE TO
MARKET THE PROPERTY BEING VACATED BY SUNNY SLOPE TREE FARM
PROPERTY FOR LEASE

Staff is authorized to engage the services of Voit Real Estate Services to market the District property in Anaheim being vacated by Sunny Slope Tree Farm for lease and seek other tenants as appropriate using internal resources.

ITEMS RECOMMENDED FOR APPROVAL AT WATER ISSUES COMMITTEE MEETING HELD NOVEMBER 9

- 7. Amendment to Jacobs PFAS Treatment Testing Support Services Agreement for OCWD PFAS Pilot

RESOLUTION NO. 22-11-159
 APPROVING AMENDMENT TO JACOBS FOR PFAS TREATMENT TESTING
 SUPPORT SERVICES

WHEREAS, pursuant to Resolution No. 19-8-111 adopted August 7, 2019, as subsequently amended, OCWD issued Agreement No. 1380 to Jacobs for PFAS Treatment Testing Support Services; and

WHEREAS, the Water Issues Committee of this Board has recommended issuance of Amendment No. 4 to such Agreement in an amount not to exceed \$25,000 for additional PFAS Treatment Testing Support Services;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve issuance of Amendment No. 4 to such Agreement with Jacobs as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

- 8. Award of Contract No. FUL-2022-2 Fullerton Kim 1A Well Rehabilitation

RESOLUTION NO. 22-11-160
 AWARDED CONTRACT NO. FUL-2022-2, FULLERTON KIM 1A WELL
 REHABILITATION PROJECT, TO INNOVATIVE CONSTRUCTION SOLUTIONS

WHEREAS, a Notice Inviting Bids for Contract No. FUL-2022-2, Fullerton Kimberly Well 1A Well Rehabilitation, was published in *The Orange County Register* on September 19, 2022; and

WHEREAS, Addendum Nos. 1 and 2 were subsequently issues to clarify the contract documents; and

WHEREAS, the following two bids were received and opened on November 2, 2022:

Innovative Construction Solutions	\$ 1,499,900
MMC Inc.	\$ 1,753,600

WHEREAS, the Water Issues Committee of this Board has recommended award of said Contract to the lowest responsive bidder, Innovative Construction Solutions, in the amount of \$1,499,900; and

WHEREAS, the Water Issues Committee has further recommended establishing a budget of \$1,920,000 for such project;

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-2022-1, Fullerton Main Plant PFAS Water treatment Plant, is received and filed.

Section 2: Issuance of Addendum Nos. 1 and 2 to such contract is ratified.

Section 3: The lowest responsive bid of Pacific Hydrotech Corp. in the amount of \$8,053,035 is accepted and all other bids are rejected.

Section 4: The District officers are authorized to execute an Agreement on behalf of the District, in a form heretofore approved by this Board, with Innovative Construction Solutions pursuant to the terms of its proposal.

Section 5: 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 6: 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 7: A project budget is hereby established in the amount of \$1, 920,000.

9. Purchase of Ultraviolet-Visible (UV-VIS) Spectrophotometer

RESOLUTION NO. 22-11-161

AUTHORIZING ISSUANCE OF PURCHASE ORDER TO AGILENT TECHNOLOGIES FOR
AGILENT CARY 60 UV-VISIBLE SPECTROPHOTOMETER

RESOLVED, that issuance of a Purchase Order to Agilent Technologies is authorized in the amount of \$11,945 for the purchase of one Agilent Cary 60 UV-Visible Spectrophotometer.

ITEMS RECOMMENDED FOR APPROVAL AT ADMINISTRATION AND FINANCE
ISSUES COMMITTEE MEETING HELD NOVEMBER 10

10. Monthly Cash Control Report

MOTION NO. 22-117

RECEIVING AND FILING THE MONTHLY CASH CONTROL REPORTS

The Summary Cash and Cash Equivalents Control Reports dated October 31, 2022 are hereby received and filed.

11. Investment Portfolio Holdings Reports

MOTION NO. 22-118
RECEIVING AND FILING INVESTMENT PORTFOLIO HOLDINGS REPORTS

The Investment Portfolio Holdings Reports dated October 31, 2022 are hereby received and filed.

12. District Travel / Expense Reports – FY 2021–22

MOTION NO. 22-119
RECEIVING AND FILING DISTRICT TRAVEL EXPENSE REPORTS

The District Travel and Expense reports for Fiscal Year 2021-22 are hereby received and filed.

13. Statement of Investment Policy Fiscal Year 2021-22

RESOLUTION NO. 21-11-162
ADOPTING STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2022-23

The Statement of Investment Policy for Fiscal Year 2021-2022 is hereby adopted as presented (and on file at the District office).

14. Amendment to Agreement with Aramark Uniform Services for Uniform Services

RESOLUTION NO. 22-11-163
APPROVING AMENDMENT TO AGREEMENT WITH ARAMARK UNIFORM SERVICES FOR DISTRICT UNIFORM SERVICES

WHEREAS, pursuant to Resolution No. 13-10-136 adopted October 16, 2013, as subsequently modified, OCWD issued Agreement No. 949 to Aramark Uniform Services for uniform services for the District's Fountain Valley, Anaheim, and the Prado facilities through October 31, 2020; and

WHEREAS, the Administration and Finance Issues Committee of this Board has recommended approval of Amendment No. 4 to continue to provide uniform services for one year beginning December 1, 2022, through November 20, 2023 for an amount not to exceed \$60,000;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve Amendment No. 3 to the Agreement with Aramark Uniform as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

15. Budget to Actual Report for First Quarter FY 2022–23

MOTION NO. 22-120
RECEIVING AND FILING BUDGET TO ACTUAL REPORT FOR
FIRST QUARTER OF FY 2022-23

The Budget to Actual Report for First Quarter of Fiscal Year 2022-23 ending September 30, 2022 is hereby received and filed.

MATTER FOR CONSIDERATION

Director Sheldon arrived at this point in tonight's meeting and took over as Chair of the meeting. Discussion of Item No. 17 was advanced on the Agenda.

17. Division Four Board Vacancy

Director Tri Ta announced his resignation from the OCWD effective at the end of tonight's meeting due to his election to the California State Assembly. The Board discussed options for replacing his seat on the Board and General Counsel reviewed the legal requirements for proceeding with appointment. It was agreed to proceed with appointment to fill the vacancy. Director Rowe moved to have the appointment take place at the December 21 or January 4 Board meeting but that motion was withdrawn. The following action was then taken.

MOTION NO. 22-122
DECLARING VACANCY IN DIVISION 4 AND AUTHORIZING ACTIONS IN
CONNECTION THEREWITH

Upon motion by Director Green, seconded by Director Nguyen and carried [7-1-1-1], a vacancy in Division 4 is declared effective today, and the Board hereby determines to fill such vacancy by appointment and directs the District Secretary to notify the Registrar of Voters of such Vacancy and to post a Notice of Vacancy in three conspicuous places within the District as required by state law that calls for Letters of interest and resumes to be received by the District by 5:00 p.m. on December 6, 2022, with the appointment to be agendized for consideration at the December 7, 2022 Board of Directors meeting.

Ayes: Bilodeau, Green, Ma'ae, Nguyen, Sheldon, Whitaker, Yoh
Noes: Rowe
Absent: Mendoza
Abstain: Ta

16. Riverside Wildlife Refuge Legislative Amendment

Executive Director Greg Woodside advised that OCWD has an oppose unless amended position and related amendment and map removing OCWD lands from H.R. 972, Wildlife Refuge Conservation and Recreation for the Community Act, and S. 4669 Western Riverside National Wildlife Refuge Act, which would create authority for the federal government to acquire lands through voluntary donations for incorporation into the national wildlife refuge system. He stated that OCWD staff and its consultant were tasked to reach out to other impacted stakeholders and

create a coalition in support of an amendment to each bill, noting that the coalition developed an amendment to the bills that is inclusive of OCWD's concerns and expands protections for future use of the land within the wildlife refuge. OCWD consultant Eric Sapirstein noted that due to the limited timeframe before the new Congress is seated he believes it will be difficult to get this type of legislation through in the time that remains. The Board then took the following action.

MOTION NO. 22-121

APPROVING SUPPORT OF COALITION AMENDMENT TO HR 972, WILDLIFE REFUGE CONSERVATION AND RECREATION FOR COMMUNITY ACT AND S 4669, WESTERN RIVERSIDE NATIONAL WILDLIFE REFUCE ACT

Upon motion by Director Rowe, seconded by Director Sheldon and carried [9-0], OCWD hereby supports the coalition amendment to H.R. 972 (Calvert R-CA-42) Wildlife Refuge Conservation and Recreation for the Community Act and S. 4669 Western Riverside National Wildlife Refuge Act (Feinstein, D - CA) and authorizes development of a related map with the coalition to remove OCWD lands from the refuge boundary and other lands that impact the coalition; and staff is authorized to accept minor non-substantive changes to the coalition amendment subject to approval by the District's General Counsel.

Ayes: Bilodeau, Green, Ma'ae, Nguyen, Rowe, Sheldon, Ta, Whitaker, Yoh

Absent: Mendoza

INFORMATIONAL ITEMS

18. Water Resources Summary

There was no discussion of this item.

19. COMMITTEE/CONFERENCE/MEETING REPORTS

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

- October 28 - Property Management Committee
- November 03 - Communication and Legislative Liaison Committee
- November 09 - Water Issues Committee
- November 10 - Administration and Finance Issues Committee

20. VERBAL REPORTS

There were no verbal reports given.

RECESS TO CLOSED SESSION

General Counsel Jungreis advised that there was no need for tonight's Closed Session.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:10 p.m.

Stephen R. Sheldon

Stephen R. Sheldon, President

Janice Durant

Janice Durant, District Secretary