

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
November 17, 2021, 5:30 p.m.

President Sheldon called to order the November 17, 2021 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
Christina Fuller, Asst. District Secretary

VISITOR PARTICIPATION

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

CONSENT CALENDAR

The following items were removed from the Consent Calendar for consideration: Item No. 6, *PFAS Outreach Consultant*, and Item No. 8, *Agreement with Stillwater Sciences*. 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. 21-121
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of October 28, 2021 through November 10, 2021 in the total amount of \$6,966,497.71 is ratified and approved.

2. Approval of Minutes of Board Meetings

MOTION NO. 21-122
APPROVING MINUTES OF BOARD OF DIRECTORS MEETING

The Minutes of the Board of Directors meeting held October 20, 2021 are hereby approved as presented.

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

RESOLUTION NO. 21-11-163
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 District’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

4. Request to Issue RFQ for IX Resin Media Agreement and Purchases

MOTION NO. 21-123
AUTHORIZING PUBLICATION OF A REQUEST FOR QUOTES TO PROCURE AND
INSTALL ION EXCHANGE RESIN MEDIA FOR VARIOUS PRODUCER'S PFAS
WATER TREATMENT PLANTS

Publication of a Request for Quotes is authorized to procure and install ion exchange resin media for various Groundwater Producer's PFAS water treatment plants.

5. Authorization Resolutions to Apply for 2021 Multibenefit Drought Relief Grant Program

RESOLUTION NO. 21-11-164
AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR
THE GROUNDWATER REPLENISHMENT SYSTEM FINAL EXPANSION

WHEREAS, Orange County Water District proposes to implement Groundwater Replenishment System Final Expansion;

WHEREAS, Orange County Water District has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, Orange County Water District intends to apply for grant funding from the California Department of Water Resources for the Groundwater Replenishment System Final Expansion;

THEREFORE, BE IT RESOLVED by the Board of Directors of the Orange County Water District as follows:

1. That pursuant and subject to all of the terms and provisions of Budget Act of 2021 (Stats. 2021, ch. 240, 80), the Orange County Water District General Manager, or designee is hereby authorized and directed to prepare and file an application for funding with the

Department of Water Resources and take such other actions necessary or appropriate to obtain grant funding.

2. The Orange County Water District General Manager, or designee is hereby authorized and directed to execute the funding agreement with the Department of Water Resources and any amendments thereto.
3. The Orange County Water District General Manager, or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding.

RESOLUTION NO. 21-11-165
AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR
THE SECONDARY EFFLUENT FLOW EQUALIZATION FOR
MAXIMUM RECYCLED WATER PRODUCTION PROJECT

WHEREAS, Orange County Water District proposes to implement the Secondary Effluent Flow Equalization for Maximum Recycled Water Production Project;

WHEREAS, Orange County Water District has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, Orange County Water District intends to apply for grant funding from the California Department of Water Resources for the Secondary Effluent Flow Equalization for Maximum Recycled Water Production Project;

THEREFOER, BE IT RESOLVED by the Board of Directors of the Orange County Water District as follows:

Section 1: That pursuant and subject to all of the terms and provisions of Budget Act of 2021 (Stats. 2021, ch. 240, 80), the Orange County Water District General Manager, or designee is hereby authorized and directed to prepare and file an application for funding with the Department of Water Resources and take such other actions necessary or appropriate to obtain grant funding.

Section 2: That the Orange County Water District General Manager, or designee is hereby authorized and directed to execute the funding agreement with the Department of Water Resources and any amendments thereto.

Section 3: That the Orange County Water District General Manager, or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding.

6. PFAS Outreach Consultant

This item was removed from the consent calendar and considered later in tonight's meeting.

ITEMS RECOMMENDED FOR APPROVAL AT WATER ISSUES COMMITTEE MEETING
HELD NOVEMBER 10, 2021

7. Operational Efficiency Study

RESOLUTION NO. 21-11-166
APPROVING PURCHASE ORDER TO BOOKEY OREN GLOBAL WATER
TECHNOLOGIES LTD FOR OPERATIONAL EFFICIENCY STUDY

RESOLVED, that issuance of an Agreement is authorized to Bookey Oren Global Water Technologies Ltd in the amount of \$90,000 for an Operational Efficiency Study.

8. Agreement with Stillwater Sciences Inc. to Conduct Pilot Study to Use Lidar to Assess Vegetation Structure and Suitability for Least Bell's Vireo

This item was removed from the consent calendar and considered separately.

9. Purchase Order to AB Sciex, LLC for One Liquid Chromatograph with Tandem Mass Spectrometer (LC-MS/MS) for the Philip L. Anthony Water Quality Laboratory

RESOLUTION NO. 21-11-167
AUTHORIZING ISSUANCE OF PURCHASE ORDER TO AB SCIEX, LLC FOR LIQUID CHROMATOGRAPH WITH TANDEM MASS SPECTROMETER (LC-MS/MS) FOR THE PHILIP L. ANTHONY WATER QUALITY LABORATORY

RESOLVED, that issuance of a Purchase Order is authorized to AB Sciex, LLC for One Liquid Chromatograph with Tandem Mass Spectrometer (LC-MS/MS) for the Philip L. Anthony Water Quality Laboratory.

10. Cost Share Agreement for Santa Ana River Conservation and Conjunctive Use Program Operations Tracking Tool

RESOLUTION NO. 21-11-168
APPROVING COST SHARE AGREEMENT FOR SANTA ANA RIVER CONSERVATION AND CONJUNCTIVE USE PROGRAM OPERATIONS TRACKING TOOL

WHEREAS, the Santa Ana River Conservation and Conjunctive Use Program (SARCCUP) is a multi-faceted Program involving OCWD and the other four Santa Ana Watershed Project Authority (SAWPA) member agencies, namely, Eastern Municipal Water District, Western Municipal Water District, Inland Empire Utilities District, and the San Bernardino Valley Municipal Water District; and

WHEREAS, pursuant to Resolution No. 21-7-112 adopted July 21, 2021, OCWD authorized an agreement among the Metropolitan Water District of Southern California, Municipal Water District of Orange County, Eastern Municipal Water District, Western Municipal Water District, Inland Empire Utilities District, and San Bernardino Valley Municipal Water District for the Santa Ana River Conservation and Conjunctive Use Program (SARCCUP) and agreement with MWDOC and other parties for the sale of excess SARCCUP water; and

WHEREAS, staff has advised that an operations tracking tool is needed for the water banking portion of the program, for which the cost of developing and implementing the tool will be shared among the four SARCCUP water banking agencies;

WHEREAS, in this regard, the Water Issues Committee of this Board has presented and recommended approval of a Cost Sharing Letter Agreement: Santa Ana River Conservation & Conjunctive Use Program (SARCCUP) Operations Tracking and Reporting Software Tool Development;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve the Cost Sharing Letter Agreement: Santa Ana River Conservation & Conjunctive Use Program (SARCCUP) Operations Tracking and Reporting Software Tool Development; and, upon approval as to form by District General Counsel, its execution by the General Manager is authorized.

ITEMS REMOVED FROM CONSENT CALENDAR FOR CONSIDERATION

6. PFAS Outreach Consultant

President Sheldon requested that the contract for PFAS outreach services be modified to include a provision that the services will be provided on a time and materials basis. The following action was then taken.

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

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

RESOLUTION NO. 21-11-169
APPROVING AGREEMENT WITH OHLUND MANAGEMENT AND TECHNICAL
SERVICES FOR PFAS OUTREACH

RESOLVED, that issuance of an Agreement is authorized to Ohlund Management and Technical Services for an amount not-to-exceed \$45,000 to provide PFAS outreach services on a time and material basis; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

8. Agreement with Stillwater Sciences to Conduct Pilot Study to Use Lidar to Assess Vegetation Structure and Suitability for Least Bell’s Vireo

Director Rowe stated he is in favor of Lidar being used to evaluate the topography of Prado Basin. He suggested that Lidar be used on a regular basis to help control and manage the sediment behind Prado. The Board then took the following action.

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

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

RESOLUTION NO. 21-11-170
APPROVING AGREEMENT WITH STILLWATER SCIENCES, INC. FOR PILOT STUDY
USING LIDAR TO ASSESS VEGETATION STRUCTURE AND
SUITABILITY FOR LEAST BELL’S VIREO

RESOLVED, that issuance of an Agreement is authorized to Stillwater Sciences Inc. for an amount not to exceed \$52,600 to conduct a pilot study using LiDAR to assess vegetation structure and suitability for the least Bell’s vireo and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

MATTER FOR CONSIDERATION

11. Award of Contract No. EOCWD-2021-1 East Orange County Water District PFAS Water Treatment Plant, to Pascal & Ludwig Constructors

Principal Engineer Ryan Bouley stated that a total of five construction bids were received on for the East Orange County Water District (EOCWD) PFAS Water Treatment Plant Contract No. EOCWD-2021-1. He reported that staff recommends awarding a construction contract to the lowest bidder, Pascal & Ludwig Constructors (Pascal & Ludwig), in the amount of \$5,789,640 with a total project budget of \$8,085,000. Mr. Bouley advised that EOCWD elected to include additional scope in the construction contract and will be reimbursing the District approximately \$3M such that the net construction cost to the District will be \$5.1M. He presented the expected EOCWD PFAS Treatment project schedule and budget.

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

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

RESOLUTION NO. 21-10-171
AWARDING CONTRACT NO. EOCWD-2021-1 EAST ORANGE COUNTY WATER
DISTRICT PFAS WATER TREATMENT PLANT,
TO PASCAL & LUDWIG CONSTRUCTORS

WHEREAS, a Notice Inviting Bids for Contract No. EOCWD- 2021-1, East Orange County Water District PFAS Water Treatment Plant, was published in *The Orange County Register* on September 22, 2021; and

WHEREAS, Addendum Nos. 1 and 2 to such Contract were issued to extend the bid date and revise certain plan sheets and respond to contractor inquiries; and

WHEREAS, the following bids were received and opened on November 9, 2021:

Pascal & Ludwig Constructors	\$5,789,640
Caliagua, Inc	\$6,154,300
Pacific Hydrotech Corporation	\$6,365,100
Myers & Sons Construction, LLC	\$6,499,000
Garney Pacific, Inc.	\$7,502,000

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 \$5,789,640;

WHEREAS, the District staff has recommended establishment of a project budget of \$8,085,000;

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. EOCWD-2021-1 is received and filed.

Section 2: Issuance of Addendum No. 1 and Addendum No. 2 is ratified.

Section 3: The lowest responsive bid of Pascal & Ludwig Constructors, in the amount of \$5,789,640 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 Pascal & Ludwig Constructors 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 of \$8,085,000 is hereby established for the EOCWD PFAS Water Treatment Plant.

INFORMATIONAL ITEMS

12. Water Resources Summary

There was no discussion of this item.

13. Santa Ana Watershed Project Authority Commission Activities

Director Whitaker updated the Board on recent SAWPA activities.

14. 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.

November 04 - Communication and Legislative Liaison Committee
November 10 - Water Issues Committee

15. Verbal Reports

Director Ta reported on his attendance at the California- European Union Australia Workshop hosted by UC Irvine. Director Rowe stated he attended the California Energy Commission webinar regarding Cloud Seeding.

RECESS TO CLOSED SESSION

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

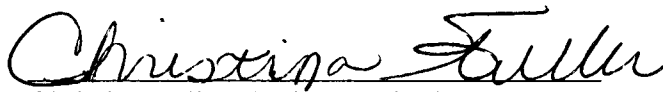
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Government Code Section 54956.9(a)] – Irvine Ranch Water District v. OCWD, et al. - Superior Court Case No. 30-2016 00858584- CUWM-CJC

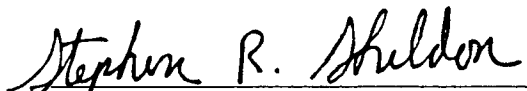
RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 6:15 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 6:20 p.m.


Christina Fuller, Assistant District Secretary


Stephen R. Sheldon, President