

MINUTES OF MEETING  
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT  
November 2, 2022, 5:30 p.m.

President Sheldon called to order the November 2, 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 (absent)  
Cathy Green  
Nelida Mendoza  
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

CONSENT CALENDAR

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

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

1. Approval of Cash Disbursements

MOTION NO. 22-112  
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of September 15, 2022 through September 28, 2022 in the total amount of \$7,628,538.70 is ratified and approved.

2. Approval of Minutes of Board of Directors Meetings

MOTION NO. 22-113  
APPROVING MINUTES OF BOARD OF DIRECTORS MEETING

The Minutes of the Board of Directors meeting held September 7, 2022 are hereby approved as presented.

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

RESOLUTION NO. 22-11-149  
 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. East Orange County Water District Director Richard Bell Retirement Resolution

RESOLUTION NO. 22-11-150  
COMMEMORATING THE RETIREMENT OF RICHARD BELL FROM THE  
EAST ORANGE COUNTY WATER DISTRICT

WHEREAS, Richard Bell's professional experience in the water industry spans over 50 years; and

WHEREAS, Richard served on the board of directors of the East Orange County Water District (EOCWD) providing leadership that continued EOCWD's successful operations of water and sewer services; and

WHEREAS, Richard retired after working as a principal engineer for the Municipal Water District of Orange County (MWDOC) for 12 years and serving as a consulting engineer to MWDOC and its member agencies for an additional 23 years; and

WHEREAS, Richard was a highly respected and well-liked member of the Orange County water community who was always available for consultation and knowledgeable about the latest issues in the industry; and

WHEREAS, Prior to his service at MWDOC, Richard served as the Planning and Resources Manager at Irvine Ranch Water District for six years; and

WHEREAS, Richard was MWDOC's project manager for the Doheny Ocean Desalination project and developed and piloted the slant well subsurface intake system which was instrumental in the project obtaining a permit from California Coastal Commission; and

WHEREAS, Richard was an expert in many water industry subject matters including ocean desalination project development, water facilities planning, regulatory analysis, rate analysis and other areas; and

WHEREAS, Richard began his career at the Los Angeles Department of Water and Power as a Field Engineer, Water Demand Analyst, Hydraulic Analyst, Water Systems Master Planner and Source Water Quality Control Investigator from 1964 to 1972; and

WHEREAS, Richard received a Bachelor of Science degree from the University of California, Los Angeles in 1966 and a Master of Science degree in Civil Engineering from the University of Southern California in 1970; and

NOW, THEREFORE, let it be resolved that the Board of Directors of the Orange County Water District hereby officially commend and congratulate Richard Bell on his successful leadership at the East Orange County Water District and wishes him well in his retirement and continued success his future endeavors.

5. Resolution Adopting the SAWPA Integrated Regional Water Management Plan for the Santa Ana River One Water One Watershed Plan - 2018 Update

RESOLUTION NO. 22-11-151

ADOPTING ONE WATER ONE WATERSHED PLAN UPDATE 2018, THE INTEGRATED REGIONAL WATER MANAGEMENT PLAN FOR THE SANTA ANA RIVER WATERSHED

WHEREAS, on February 19, 2019, the Santa Ana Watershed Project Authority (SAWPA) Board of Commissioners adopted the One Water One Watershed (OWOW) Plan Update 2018, the Integrated Regional Water Management Plan for the Santa Ana River Watershed, as a planning document outlining a sustainable water future for the Santa Ana River Watershed; and

WHEREAS, on September 22, 2022, the SAWPA Board of Commissioners have considered projects for funding under SAWPA's Round Two funding allocation of Water Quality, Supply and Infrastructure Improvement Act of 2014 (Proposition 1), in which Orange County Water District is a participant for the Orange County Regional PFAS Groundwater Treatment Program: Cities of Garden Grove and Santa Ana Projects; and

WHEREAS, as a condition of the grant funding that the Orange County Water District is a recipient to, the Department of Water Resources and SAWPA require that all local project sponsors also adopt the OWOW Plan Update 2018.

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby acknowledge the OWOW Plan Update 2018 and, as a required condition of receiving grant funding under the Plan, adopts the OWOW Plan Update 2018.

ITEM RECOMMENDED FOR APPROVAL AT RETIREMENT COMMITTEE MEETING HELD OCTOBER 25

6. 457(B) Deferred Compensation Plan Line-Up Review and 401(A) Red Flag Fund Review

MOTION NO. 22-114

RECEIVING AND FILING 457(B) DEFERRED COMPENSATION PLAN LINE-UP REVIEW AND 401(a) RED FLAG FUND REVIEW

The 401(a) Money Purchase Retirement Plan and the 457(b) Deferred Compensation Plan investment portfolios are hereby received and filed and the following actions in connection with the funds are authorized.

INVESTMENT FUNDS	SYMBOL	ACTION
457 (B) Portfolio		
JP Morgan Emerging Markets Equity R6	JEMWX	Keep Red Flag
Parametric International Equity I	EIISX	Keep Red Flag
Hartford Mid Cap Y	HMDYX	Remove and Map To Delaware Ivy Mid Cap Growth R6
401 (a) Portfolio		
MassMutual Mid Cap Growth R5	MGRFX	Keep Red Flag
Goldman Sachs Infl Protected Secs Instl	GSIPX	Keep Red Flag

## INFORMATIONAL ITEMS

### 7. Update on Orange County Grand Jury Report – Water in Orange County Needs “One Voice”

General Manager Markus advised that the Grand Jury ad hoc Committee met twice with MWDOC and will meet again this Friday. He stated the Committee asked staff to put together some terms for a potential agreement, which would include a provision that OCWD could appoint one its Board members or an appointee as an MWD representative. He noted that he would report back after the next meeting.

### 8. PFAS Update

Director of Regulatory Affairs Jason Dadakis provided a PFAS regulatory update focused on the State of California. He stated new statewide drinking water monitoring orders were issued this week, and the State formally established a notification and response level for a fourth PFAS compound PFHxS.

### 9. 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 25 Retirement Committee  
October 26 Joint Planning Committee

## 10. VERBAL REPORTS

Director Rowe reported on his attendance at the Northern California Water Tour sponsored by the Metropolitan Water District through the City of Santa Ana. He stated that today’s MWDOC Board packet includes an explanation for the draft Environmental Impact Report for MWD’s plans for the Delta tunnels. He recommended the Board review that and the EIR for the State Water Project.

General Manager Markus announced that OCWD received the Platinum Award for Utility Excellence from the Association of Metropolitan Water Agencies.

Director Green reported on her attendance at the Colorado River tour sponsored by the Metropolitan Water District of Southern California. She further reported that she attended the National Research Institute Clarke Prize on October 22 at the Beckman Institute.

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 6:07 p.m. as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –

[Government Code Section 54956.9(a)] – 1 case:

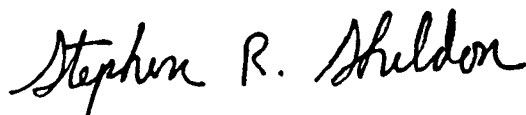
Irvine Ranch Water District v. OCWD, et al. - Superior Court Case No. 30-2016-00858584-CU-WM-CJC

RECONVENE IN OPEN SESSION

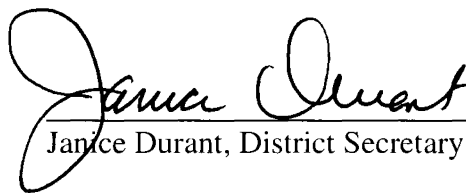
The Board reconvened in Open Session at 6:40 p.m. whereupon General Counsel Jungreis reported that no reportable action took place in Closed Session.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:20 p.m.



Stephen R. Sheldon, President



Janice Durant, District Secretary