

MINUTES OF MEETING  
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT  
November 3, 2021, 5:30 p.m.

President Sheldon called to order the November 3, 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. 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  
Joseph Larsen, Acting General Counsel  
Janice Durant, District Secretary

VISITOR PARTICIPATION

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

CONSENT CALENDAR

Director Rowe requested the removal of Item No. 5, *City of Santa Ana PFAS Water Treatment Plant*, from the Consent Calendar. The balance of the Consent Calendar was then approved upon motion by Director Green, seconded by Director Nguyen and carried [10-0] as follows:  
Ayes: Bilodeau, Green, Mendoza, Nguyen, Rowe, Sheldon, Sidhu, Ta, Whitaker, Yoh

1. Approval of Cash Disbursements

MOTION NO. 21-117  
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of October 14, 2021, through October 27, 2021 in the total amount of \$13,978,637.80 is ratified and approved.

2. Approval of Minutes of Board Meetings

MOTION NO. 21-118  
APPROVING MINUTES OF BOARD OF DIRECTORS MEETING

The Minutes of the Board of Directors meeting held October 6, 2021 are hereby approved as presented.

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

RESOLUTION NO. 21-11-159  
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

4. 2020-21 Annual Engineer's Investigation and Report on Groundwater Conditions, Water Supply and Basin Utilization
- 

RESOLUTION NO. 21-11-160  
ORDERING ANNUAL ENGINEERING INVESTIGATION AND REPORT ON  
GROUNDWATER CONDITIONS, WATER SUPPLY, AND BASIN UTILIZATION

WHEREAS, Section 25 and Section 31.5, subparagraph (1), of the Orange County Water District Act, as amended, provide that the District shall annually order an investigation and report to be made by an engineer or engineers employed by said District, for the purpose of investigating and reporting on groundwater conditions of said District, and for the purpose of ascertaining information relative to water use, water availability, and water costs as set forth in said District Act;

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

Section 1: The engineers of the District staff are instructed to proceed with said investigation and report on groundwater conditions for the water year 2020-21, in accordance with Section 25 of the amended Orange County Water District Act, for consideration of the Board in the levy of the replenishment assessment for 2022-23; and to proceed with said investigation and report on water supply and basin utilization, in accordance with said Section 31.5 of the amended District Act, for the consideration of the Board in the levy of a basin equity assessment for 2022-23.

Section 2: The engineers of the District staff are instructed to deliver the completed report in writing to the General Manager of this District on the second Wednesday in February 2022 as provided in said Act.

5. Contract No. SA-2021-1, City of Santa Ana PFAS Water Treatment Plant Well No. 40

This item was removed from tonight’s Consent Calendar and considered later in tonight’s meeting.

ITEM RECOMMENDED FOR APPROVAL AT PROPERTY MANAGEMENT COMMITTEE MEETING HELD OCTOBER 22

6. Easement Deed for Proposed Monitoring Well Site SC-7 on Orange Unified School District Property

RESOLUTION NO. 21-11-161

AUTHORIZING EXECUTION OF EASEMENT DEED FOR PROPOSED MONITORING WELL SITE SC-7 ON ORANGE UNIFIED SCHOOL DISTRICT PROPERTY (VILLA PARK ELEMENTARY SCHOOL)

WHEREAS, OCWD has applied for a new Regional Water Quality Control Board (RWQCB) permit for the existing Groundwater Replenishment System and the Final Expansion (GWRSE) project that would allow the District to recharge GWRS water at the currently unpermitted locations of the Santiago Basins, Santiago Creek, the Santa Ana River downstream of Lincoln Avenue, and at Burris Basin; and

WHEREAS, in this regard, staff has proposed construction of a multi-depth monitoring well cluster (well site SC-7) to partially fulfill the provisions of the new permit, which requires monitoring wells to be constructed upgradient of the drinking water wells that are on the fastest groundwater flow path from the facilities where GWRS water will be recharged; and

WHEREAS, after review of the Santiago Basins recharge water flow path modeling results and accessible space for well construction, staff has identified the Villa Park Elementary School parking lot to be the most suitable well site, and staff has therefore approached Orange Unified School District with a request for a no fee monitoring well site easement deed;

WHEREAS, in this regard, the Property Management Committee of this Board has recommended execution of such no-fee easement deed with the Orange Unified School District for a term expiring on December 31, 2062, for the future construction of monitoring well cluster SC-7 at Villa Park Elementary School, with the understanding that approval for construction of the monitoring well cluster will be brought before the Board for approval in early 2022;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby authorize the General Manager to finalize the aforementioned Easement Deed with Orange Unified School District for future monitoring well site SC-7; and, upon approval as to form by District General Counsel, its execution by the General Manager is authorized.

ITEMS RECOMMENDED FOR APPROVAL AT RETIREMENT COMMITTEE MEETING  
HELD OCTOBER 26

7. Prudential Sale of Retirement Plan Recordkeeping Business

MOTION NO. 21-119  
AUTHORIZING ISSUANCE OF REQUEST FOR PROPOSALS FOR  
RETIREMENT PLANS RECORDKEEPING

Issuance of a Request for Proposals for Retirement Plans Recordkeeping services by the General Manager is authorized when appropriate.

8. 457(b) Deferred Compensation Plan Investment Line-Up Review and 401(A) Retirement Plan Red Flag Fund Review

MOTION NO. 21-120  
RECEIVING AND FILING MONEY PURCHASE PLAN AND  
DEFERRED COMPENSATION PLAN INVESTMENT PORTFOLIOS AND  
APPROVING ACTIONS WITH REGARD TO PORTFOLIO FUNDS

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 such funds are authorized.

INVESTMENT FUNDS	SYMBOL	ACTION
<b>457 (B) Portfolio</b>		
American Century Global Gold I	AGGNX	Remove and Map to Franklin Gold and Precious Metals, FGADX
<b>401 (a) Portfolio</b>		
MFS Technology R4	MTCJX	Keep Red Flag

ITEM REMOVED FROM CONSENT CALENDAR FOR CONSIDERATION

5. Contract No. SA-2021-1, City of Santa Ana PFAS Water Treatment Plant Well No. 40

Director Rowe requested information on the 20 % contingency included in the project budget. Director of Engineering Chris Olson stated that the ion exchange resin media has not yet been purchased and that due to market fluctuations staff has included this contingency. He stated the budget would be decreased when the actual bids come in.

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. 21-11-162  
RECEIVING AND FILING ENGINEER'S REPORT FOR CONTRACT NO. SA-2021-1, CITY  
OF SANTA ANA PFAS WATER TREATMENT PLANT WELL NO. 40, AND  
AUTHORIZING FILING OF CATEGORICAL EXEMPTION, REQUEST FOR PROPOSALS  
FOR IX RESIN MEDIA, AND PUBLICATION OF NOTICE INVITING BIDS**

WHEREAS, the District staff has submitted the Engineer's Report for the City of Santa Ana (City) Wells SA-27, SA-28, SA-31, and SA-40 PFAS Water Treatment Plant Project to evaluate the need, benefits, and cost of constructing a Per- and Polyfluoroalkyl Substances (PFAS) treatment system for City production wells SA-27, SA-28, SA-31, and SA-40 (City Wells), specifically to remove perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS); and

WHEREAS, OCWD found the project to be consistent with the Categorical Exemption for New Construction or Conversion of Small Structures (Class 3) because it consists of the construction and operation of a limited number of new, small facilities or structures and, in accordance with the California Environmental Quality Act (CEQA) guidelines, has recommended filing of a Categorical Exemption for the project; and

WHEREAS, the District staff has further recommended publication of a Request for Proposals to Procure and Install Ion Exchange Resin Media for such Project; and

WHEREAS, the District staff has further recommended publication of a Notice Inviting Bids for Contract No. SA-2021-1, City of Santa Ana Well SA-40 PFAS Water Treatment Plant;

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

Section 1: The Engineer's Report for the City of Santa Ana Wells SA-27, SA-28, SA-31, and SA-40 PFAS Water Treatment Plant Project is approved, and the Project is determined feasible, necessary and beneficial to the lands of the District;

Section 2: Filing of a Categorical Exemption is authorized for the City of Santa Ana Well SA-40 PFAS Water Treatment Plant project in compliance with the California Environmental Quality Act (CEQA) guidelines;

Section 3: Publication of a Request for Proposals is authorized to Procure and Install Ion Exchange Resin Media for the City of Santa Ana Well SA-40 PFAS Water Treatment Plant; and

Section 4: Publication of Notice Inviting Bids is authorized for Contract No. SA-2021-1, City of Santa Ana Well SA-40 PFAS Water Treatment Plant.

## INFORMATIONAL ITEMS

### 9. Santiago Basin Intertie Repair Project Update

Principal Engineer Ryan Bouley recalled that during the winter of 2010-11, heavy storms caused unusually high flow in Santiago Creek that overtopped and extensively damaged the saddle between Blue Diamond and Bond Basins (Intertie). He reported that the Federal Emergency Management Association (FEMA) authorized funding through CalOES to reimburse 75% of the cost of the Intertie repairs. Mr. Bouley advised that the contract to complete the Intertie Repair Project was awarded to Innovative Construction Solutions (ICS) in March 2021 and noted that repairs are nearly complete. He reported that ICS has completed remedial excavation to remove unstable and unsuitable soils from the Intertie area; installed 536 linear feet of District-furnished precast concrete box culvert; and nearly completed the earthwork above the box culvert and rip-rap protection at the inlet and outlet of the box culvert. He reported that construction would be completed before December 31, 2021.

### 9. PFAS Update

Director of Engineering Chris Olsen provided an overview of PFAS design and construction activities. Executive Director Jason Dadakis provided a brief federal and state regulatory update, noting that the comment period closed last week for the State Office of Environmental Health Hazard Assessment draft public health goals for PFOA and PFOS. He stated a second draft of the public health goals will be released in 2022 and that staff expects the final Public Health Goals will be finalized next summer after which it will take 2 to 3 years to issue final enforceable drinking water standards. Mr. Dadakis indicated staff is still expecting six additional notification response levels advisories for six additional PFAS compounds, and that staff does not expect any of these additional advisories that are pending to have any additional impacts to the Producer's wells.

### 10. Santa Ana Watershed Project Activities

Director Whitaker and Rowe updated the Board on recent SAWPA activities.

### 11. Committee Reports/Meeting Reports

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

- October 22- Property Management
- October 26- Retirement Committee
- October 27- Joint Planning Committee

VERBAL REPORTS

General Manager Markus advised that staff recommends canceling the December 1 Board meeting and the December 2 Communication and Legislative Liaison Committee meeting due to a conflict with the upcoming Fall ACWA Conference. He also updated the Board on staff's efforts to obtain grant funding from the State for various projects.

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 6:20 p.m. as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –  
[Government Code Section 54956.9(a)] – One case:  
OCWD v. 3M Company Superior Court Case No.: 30-2020-01172419-CU-PL-CXC

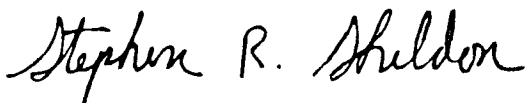
CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
[Government Code Section 54956.8]  
Real Property and OCWD Facilities located at: OC River Walk, Santa Ana River, within the City of Anaheim and City of Orange  
OCWD negotiator: Michael Markus  
Negotiating parties: Representatives of City of Anaheim, County of Orange, and Orange County Flood Control District  
Under negotiation: Price and terms

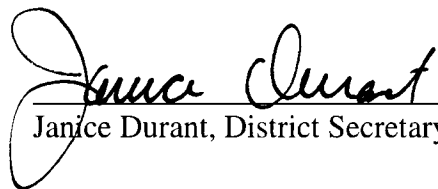
RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 7:20 p.m. whereupon Acting General Counsel advised that no reportable action took place in Closed Session.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:20 p.m.

  
\_\_\_\_\_  
Stephen R. Sheldon, President

  
\_\_\_\_\_  
Janice Durant, District Secretary