

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
December 7, 2022, 5:30 p.m.

President Sheldon called to order the December 7, 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
Gloria Ma'ae
Dina Nguyen
Kelly Rowe
Stephen Sheldon
Van Tran
Bruce Whitaker
Roger Yoh

Staff

Michael R. Markus, General Manager
Jeremy Jungreis, General Counsel
Janice Durant, District Secretary

VISITOR PARTICIPATION

Nick Dibs advised that he was a resident of Division 4 and was unaware of the current vacancy. He stated that the Notice of Vacancy did not include the city of Garden Grove in which he resides. The Board determined to allow Mr. Dibs to speak under No. 9, *Division 4 Board Member Vacancy*, when the matter comes up for consideration.

CONSENT CALENDAR

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

Ayes: Bilodeau, Green, Ma'ae, Mendoza, Nguyen, Rowe, Sheldon, Whitaker, Yoh
Vacancy: Division 4

1. Approval of Cash Disbursements

MOTION NO. 22-123
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of November 10, 2022 through November 30, 2022 in the total amount of \$13,865,943.27 is ratified and approved.

2. Approval of Minutes of Board of Directors Meetings

MOTION NO. 22-124
APPROVING MINUTES OF BOARD OF DIRECTORS MEETINGS

The Minutes of the Board of Directors meeting held October 19 and November 2, 2022 are hereby approved as presented.

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

RESOLUTION NO. 22-12-164
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. 2021-22 Annual Engineer's Investigation and Report on Groundwater Conditions, Water Supply and Basin Utilization

RESOLUTION NO. 22-12-165
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 2021-22, 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 2023-24; 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 2023-24.

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 2023 as provided in said Act.

- 5. Authorization Resolution for PFAS Grant Application for Orange Wells O-28 and -29

RESOLUTION NO. 22-12-166
AUTHORIZING OCWD TO ENTER INTO A GRANT FUNDING AGREEMENT WITH THE STATE OF CALIFORNIA FOR PFAS TREATMENT FOR CITY OF ORANGE WELLS O-28 AND -29

RESOLVED BY The Orange County Water District, that an application be made to the Department of Water Resources to obtain a grant under the 2021 Sustainable Groundwater Management (SGM) Grant Program SGMA Implementation Grant pursuant to the California Drought, Water, Parks, Climate, Coastal

Protection, and Outdoor Access For All Act of 2018 (Pub. Resources Code, § 80000, et seq.) and the Budget Acts of 2021 and 2022.

RESOLVED FURTHER, that the Orange County Water District has the authority and shall enter into a funding agreement with the Department of Water Resources to receive a grant for the: PFAS Treatment Project for Wells O-28 and -29.

The President of the OCWD Board of Directors of the Orange County Water District, or designee, is hereby authorized and directed to prepare the necessary data, conduct investigations, file such application, execute a funding agreement and any future amendments thereto, submit invoices, and submit any reporting requirements with the Department of Water Resources.

6. Amendment No. 5 to Agreement with Evoqua for PFAS Treatment Pressure Vessel Systems

RESOLUTION NO. 22-12-167
AUTHORIZING AMENDMENT NO. 5 TO AGREEMENT WITH EVOQUA FOR
PFAS TREATMENT PRESSURE VESSEL SYSTEMS

WHEREAS, pursuant to Resolution No. 20-5-56 adopted May 6, 2020, OCWD issued Agreement No. 1423 to Evoqua for PFAS Treatment Pressure Vessel Systems; and

WHEREAS, the Water Issues Committee of this Board has recommended issuance of Amendment No. 5 to such Agreement for additional costs related to transportation of such vessel systems for an amount not to exceed \$165,716.

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve issuance of Amendment No. 5 to Agreement No. 1423 with Evoqua as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized

7. 2023 OC Water Summit

MOTION NO. 12-125
APPROVING OPERATING BUDGET AND EXPENSES TO HOST OC WATER SUMMIT AND
AUTHORIZING EXECUTION OF CONTRACTS NECESSARY IN CONNECTION THEREWITH

The following actions in connection with the 2023 Water Summit are hereby authorized: an operating budget of \$100,000 for pre-event deposits and expenses to host the OC Water Summit and staff is authorized to execute any contracts necessary to administer the event in the Spring/Summer of 2023, closer to the original time of year when this event is typically hosted.

8. Elections to OCWD BoardMOTION NO. 12-126
RECEIVING AND FILING CERTIFICATES OF ELECTION

The certificates of the Orange County Registrar of Voters for the November 8, 2022 General Election certifying the election to the following Directors are hereby received and filed:

Division 1	Dina Nguyen	4-year term December 2, 2022 through December 4, 2026
Division 5	Stephen Sheldon	4-year term December 2, 2022 through December 4, 2026
Division 7	Kelly Rowe	4-year term December 2, 2022 through December 4, 2026

MATTER FOR CONSIDERATION

9. Division 4 Board Member Vacancy

President Sheldon recalled that at the November 16, 2022 Board meeting, the Board directed staff to post a Notice of Vacancy in Division 4 indicating that the District would consider filling the vacancy at the December 7, 2022 Board meeting. He noted that OCWD received one resume for the position from Van Tran and called on visitor Nick Dibs who asked to speak on the matter. Mr. Dibs stated he is an educator and science teacher and resides in Division 4 in Garden Grove. He noted that the official Notice does not state that Division 4 includes a portion of Garden Grove and requested that the matter be postponed allowing him time to apply. General Counsel Jungreis responded that the Notice contains no defects and was posted in accordance with the law. The Board then agreed to allow Mr. Dibs to participate in the interview process for the Division 4 vacancy.

MOTION NO. 12-127

ACCEPTING NICK DIBS AS A LATE ENTRY APPLICANT FOR THE DIVISION 4 VACANCY

Upon motion by Director Nguyen, seconded by Director Bilodeau and carried [7-2], the Board of Directors hereby accepts Nick Dibs as a late entry candidate for the Division 4 vacancy and authorizes his participation in the interviews.

Ayes: Bilodeau, Ma'ae, Mendoza, Nguyen, Rowe, Sheldon, Yoh

Noes: Green, Whitaker

Messrs. Van Tran and Nick Dibs presented their qualifications and participated in a question and answer session with the Board. The Board considered the candidates and the following action was taken.

Upon motion by Director Green, seconded by Director Bilodeau, the following resolution was adopted [8-0-0-1.]

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

Abstain: Rowe

RESOLUTION NO. 22-12-168
APPOINTING VAN TRAN AS DIRECTOR, DIVISION 4

WHEREAS, a vacancy in the position of Director representing Division 4 of the Orange County Water District has occurred due to the resignation of Tri Ta; and

WHEREAS, the Notice of Vacancy in the Office of Director of Division 6 of the Orange County Water District has been posted as required by law;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby appoint Van Tran as Director representing Division 4 of the District to fill the unexpired portion of Tri Ta's term through December 6, 2024.

OATH OF OFFICE

The District Secretary administered the oath of office to new Division 4 Director Van Tran and he assumed his seat on the Board.

INFORMATIONAL ITEMS

10. PFAS Update

Director of Engineering Chris Olsen provided an update on PFAS treatment plant construction activities and Executive Director of Regulatory Affairs Jason Dadakis updated the Board on recent PFAS regulatory issues.

11. SAWPA Commission Activities

Director Whitaker provided an updated on recent SAWPA activities.

12. Committee/Conference/Meeting Reports

The following Directors reported on their attendance at the ACWA Fall Conference on November 29 – December 1, 2022: Bilodeau, Green, Rowe, Sheldon, Yoh and Whitaker as well as General Manager Markus.

Director Sheldon advised that he would provide a report on the Grand Jury ad hoc Committee meetings at the next Board meeting.

13. Verbal Reports

Mr. Markus advised that he attended a meeting this week of the Center for Western Weather and Water Extremes, a group headed up by Dr. Marty Ralph. He stated the Center is predicting a dry winter with a 30% chance of normal precipitation in Southern California. He noted that Dr. Ralph would be invited to an upcoming Board meeting to discuss his findings.

RECESS TO CLOSED SESSION

The Board adjourned to Closed Session at 7:00 p.m. as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –
 [Government Code Section 54956.9(a)] –
 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 located at: West of Imperial Highway, North of the Riverside Freeway
(SR-91) and South of the Santa Ana River APN is 358-291-01

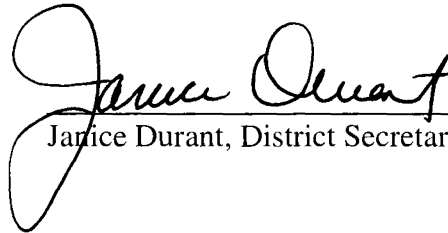
OCWD negotiators: Bruce Dosier
Negotiating parties: To be determined
Under negotiation: Price and terms

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 7:52 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 7:52 p.m.



Janice Durant, District Secretary



Stephen R. Sheldon, President