

MINUTES OF MEETING  
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT  
February 1, 2023, 5:30 p.m.

President Green called to order the February 1, 2023 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

Valerie Amezcua  
Denis Bilodeau  
Cathy Green  
Dina Nguyen  
Natalie Meeks  
Kelly Rowe  
Stephen Sheldon  
Van Tran  
Bruce Whitaker  
Roger Yoh

Staff

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

1. Public Hearing to Consider Increasing the Basin Production Percentage (BPP) for the Remainder of Fiscal Year 2022-23

---

President Green opened the public hearing to consider increasing the Basin Production Percentage for the remainder of Fiscal Year 2022-23. Executive Director John Kennedy stated that staff recommends increasing the BPP to partially counter decreasing groundwater pumping and the associated decline in Replenishment Assessment revenues. He stated the reduction in pumping is due to: 1) PFAS treatment facilities not being constructed as soon as originally expected (delaying when groundwater production wells can resume pumping), 2) reduction in the Groundwater Producers total water demands, and 3) recent State Division of Drinking Water fourth PFAS testing order for 39 new wells could cause additional wells to be shut down. Mr. Kennedy stated the FY 2022-23 budget was based upon expected groundwater pumping of 295,000 acre-feet. Due to the three reasons listed above, he stated staff is now predicting groundwater pumping will be reduced to approximately 263,000 acre-feet which equates to a reduction of 32,000 acre-feet and a reduction in RA revenue from \$164 million to \$146 million.

President Green then opened the hearing for public comment. There being no persons wishing to present testimony, the hearing was declared closed and the following action was taken.

MOTION NO. 23-12  
INCREASING THE BASIN PRODUCTION PERCENTAGE FOR THE REMAINDER  
OF FISCAL YEAR 2022-23

Upon motion by Director Amezcua, seconded by Director Yoh and carried [9-0] an increase the Basin Production Percentage (BPP) from 77% to 96.2% for the remaining five months of the fiscal year resulting in an average BPP for the entire year of 85%.

Ayes: Amezqua, Bilodeau, Green, Meeks, Rowe, Sheldon, Tran, Whitaker, Yoh  
Absent: Nguyen

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 Whitaker, seconded by Director Tran carried [9-0] as follows.

Ayes: Amezqua, Bilodeau, Green, Meeks, Nguyen, Rowe, Sheldon, Tran, Whitaker, Yoh  
Absent: Nguyen

2. Approval of Cash Disbursements

MOTION NO. 23-13  
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of January 12, 2023 through January 25, 2022 in the total amount of \$7,752,835.44 is ratified and approved.

3. Approval of Minutes of Board of Directors Meetings

MOTION NO. 23-14  
APPROVING MINUTES OF BOARD OF DIRECTORS MEETINGS

The Minutes of the Board of Directors meetings held December 21, 2022 and January 4, 2023 are hereby approved as presented.

4. Continuation of Virtual/Teleconference Meetings Per Assembly Bill 361

RESOLUTION 23-2-11  
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.

5. City of Anaheim Appointment of Natalie Meeks to the OCWD Board

RESOLUTION NO. 23-2-12  
DECLARING NATALIE MEEKS DULY APPOINTED AS DIVISION 9  
DIRECTOR (CITY OF ANAHEIM)

RESOLVED, that the certificate of appointment from the City of Anaheim appointing Natalie Meeks as Division 9 Director is hereby received and filed; and Natalie Meeks is hereby declared appointed as Director representing Division 9 of the District to fill the unexpired portion of Gloria Ma’ae’s term through December 6, 2024.

6. City of Santa Ana Appointment of Valerie Amezcua to the OCWD Board

RESOLUTION NO. 23-2-13  
DECLARING VALERIE AMEZCUA DULY APPOINTED AS DIVISION 8  
DIRECTOR (CITY OF SANTA ANA)

RESOLVED, that the certificate of appointment from the City of Santa Ana appointing Valeria Amezcua as Division 8 Director is hereby received and filed; and Valerie Amezcua is hereby declared appointed as Director representing Division 8 of the District to fill the unexpired portion of Nelida Mendoza’s term through December 6, 2024.

7. Addition of Funds to Existing Agreement with Yorke Engineering

MOTION NO. 23-14  
APPROVING ADDITION OF FUNDS TO AGREEMENT WITH YORKE ENGINEERING

An increase in the agreement with Yorke Engineering from \$20,000 to \$33,000 to assist with completion of South Coast Air Quality Management District Annual Emissions Reports for existing equipment at both the GWRS treatment facility and recharge facilities in Anaheim.

ITEM RECOMMENDED FOR APPROVAL AT RETIREMENT COMMITTEE MEETING HELD JANUARY 24, 2023

8. Money Purchase Retirement Plan Investment Line-Up and 457(B) Deferred Compensation Plan Red Flag Fund Review

MOTION NO. 23-15  
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
<b>457 (B) Portfolio</b>		
JP Morgan Emerging Markets Equity R6	JEMWX	Keep Red Flag
Parametric International Equity I	EISX	Remove and Map to MFS International Equity R6 MIEIX
Touchstone Mid Cap Y	TMCPX	Red Flag
<b>401 (a) Portfolio</b>		
MassMutual Mid Cap Growth R5	MGRFX	Remove and Map to Janus Henderson Enterprise JDMNX
Goldman Sachs Infl Protected Secs Instl	GSIPX	Keep Red Flag
MFS Technology R4	MTCJX	Remove and Map to Columbia Seligman Tech & Info A SLMCX

Director Nguyen arrived during the Informational Items portion of tonight’s Agenda.

## INFORMATIONAL ITEMS

### 9. Update on Research & Development Activities

Research Director Megan Plumlee provided an update on OCWD Research & Development activities. She highlighted the following studies: 1) results from a completed study on the benefit of lining of a portion of the interior of the GWRS pipeline with an epoxy coating to improve the clogging potential; 2) preliminary findings from a pilot study funded by the Southern California Salinity Coalition and US Bureau of Reclamation to evaluate flow-reversal-reverse osmosis as an alternative technology for achieving greater water recovery in the GWRS RO facility; and 3) preliminary findings from a Water Research Foundation-funded study evaluating alternative bench-scale laboratory methods to predict drinking water treatment performance of various medias for removal of PFAS from impacted groundwater.

### 10. PFAS Update

Executive Director of Health and Regulatory Jason Dadakis updated the Board on recent PFAS regulatory issues. He stated that the District's water quality lab has started the required testing for the new PFAS monitoring orders issued by the Division of Drinking Water. Mr. Dadakis noted that to date there are no official results but stated that staff will report them out to the Producers upon receipt and will keep the Board apprised of any significant new findings. He advised that OCWD is still waiting for the formal proposed rule from the EPA for a National Primary Drinking Water regulation, noting the EPA has a statutory deadline for this of March.

Director of Engineering Chris Olsen provided an update on PFAS treatment plant construction activities.

### 11. 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.

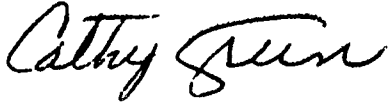
Jan 23 - GWRS Steering Committee  
 Jan 24 - Retirement Committee  
 Jan 25 - Joint Planning Committee

### 12. Verbal Reports

President Green noted that last night she attended a welcome reception for the new Metropolitan Water District Chair Adán Ortega. Director Nguyen reported that she and Directors Rowe and Tran participated in the city of Westminster Tet Parade on January 22.

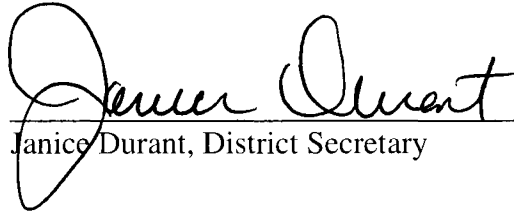
ADJOURNMENT

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



---

Cathy Green, President



---

Janice Durant, District Secretary