

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

President Sheldon called to order the February 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 Governor's Executive Order N-25-20, members of the Board participated via Zoom webinar from remote locations. Public access was also provided via Zoom webinar.

Directors

Denis Bilodeau  
Jordan Brandman  
Cathy Green  
Nelida Mendoza  
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

1. Employee of the Year Award

The Board presented the Employee of the Year Awards to Warehouse Technicians Miguel Chavez and Tony Arocho.

VISITOR PARTICIPATION

Jack Sacks questioned the Board about eminent domain proceedings going on at Prado Dam in the area where the annual Renaissance Fair is held. He stated that the project will impact the Fair and requested more information. The Board and staff noted that the District is not involved in any eminent domain proceedings and suggested Mr. Sacks contact the OC Flood Control District.

CONSENT CALENDAR

General Manager Markus requested that item No. 5 be removed from the Consent Calendar and considered separately. The balance of the Consent Calendar was approved upon motion by Director Green, seconded by Director Rowe and carried [10-0] as follows.

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

2. Approval of Cash Disbursements

MOTION NO. 21-12  
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of January 28, 2021 through February 10, 2021 in the total amount of \$4,478,618.99 is ratified and approved.

3. Approval of Minutes of Board Meetings

MOTION NO. 21-13  
APPROVING MINUTES OF BOARD OF DIRECTORS MEETING

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

4. 2021 Board Committee and Outside Agency Assignments

MOTION NO. 21-14  
RATIFYING 2021 BOARD COMMITTEE AND OUTSIDE AGENCY ASSIGNMENTS

The 2021 Board Committee and Outside Agency assignments as recommended by the Board President, on file at the District office, are hereby ratified as presented, and Bruce Whitaker's appointment as Santa Ana Watershed Project Authority (SAWPA) Commissioner is approved by the following resolution.

RESOLUTION NO. 21-2-19  
APPOINTING BRUCE WHITAKER TO SUCCEED KELLY ROWE AS COMMISSIONER  
ON THE SANTA ANA WATERSHED PROJECT AUTHORITY

RESOLVED, that the following Directors are hereby appointed to serve on the Santa Ana Watershed Project Authority Commission effective February 17, 2021:

Bruce Whitaker - Commissioner  
Kelly Rowe - Alternate Commissioner

5. Resolution Honoring Rich Haller Upon his Retirement from SAWPA

This item was removed from the Consent Calendar and considered later in the meeting.

6. 2019-2020 Engineer's Report on Groundwater Conditions, Water Supply and Basin Utilization

MOTION NO. 21-15  
RECEIVING AND FILING 2019-2020 ENGINEER'S REPORT ON GROUNDWATER  
CONDITIONS, WATER SUPPLY AND BASIN UTILIZATION  
AND SCHEDULING PUBLIC HEARINGS

The draft 2019-20 Engineer's Report is hereby received and filed, and public hearings are scheduled for March 17, 2021 to present the Report's findings and on April 21, 2020 to consider establishing the Replenishment Assessment, Basin Equity Assessment and Basin Production Percentage for the 2021-22 water year.

ITEM RECOMMENDED FOR APPROVAL AT COMMUNICATION AND LEGISLATIVE  
LIAISON COMMITTEE MEETING HELD FEBRUARY 4, 2021

7. State Legislative Update

MOTION NO. 21-16  
ADOPTING POSITIONS ON STATE LEGISLATION

The following positions on State legislation are hereby adopted.

Bill Number	Title	Recommendation
SB 230 (Portantino D-La Cañada Flintridge)	State Water Resources Control Board: Constituents of Emerging Concern Program	Watch
SB 45 (Portantino D-La Cañada Flintridge)	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022	Watch (work with water-related organizations to gain amendments for water projects)
SB 222 (Dodd D-Napa)	Water Affordability Assistance Program	Watch (specify no tax or fee on water will be created by the bill)

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

8. Authorize Amendment to Agreement with AECOM For Consulting Services for The North Basin Remedial Investigation / Feasibility Study (RI/RS)

RESOLUTION NO. 21-2-20  
APPROVING AMENDMENT TO AGREEMENT WITH AECOM FOR ADDITIONAL  
MONITORING WELL SAMPLING AND CONSULTING SERVICES FOR NORTH BASIN  
REMEDIAL INVESTIGATION/FEASIBILITY STUDY

WHEREAS, pursuant to Resolution No.16-09-127 adopted September 21, 2016, as amended, OCWD authorized Agreement No. 1189 with AECOM for monitoring well sampling for the North Basin Remedial Investigation/Feasibility Study to address groundwater contamination in the North Basin area; and

WHEREAS; the Water Issues Committee of this Board has recommended issuance of Amendment No. 4 to such for additional work required to respond to Environmental Protection Agency (EPA) and state agency comments and requests;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve issuance of Amendment No. 4 to Agreement No. 1189 with AECOM is authorized for an amount not to exceed \$201,737; and, upon approval as to form by General Counsel, its execution by the District officers is authorized.

9. Additional Funds for UV Electrical Building 80 KVA UPS Unit

RESOLUTION NO. 21-2-21  
AUTHORIZING ISSUANCE OF PURCHASE ORDER FOR ADDITIONAL FUNDS FOR UV  
ELECTRICAL BUILDING 80 KVA UPS UNIT

RESOLVED, that issuance of a Purchase Order is authorized to ABM Electrical Power Services for an 80 KVA UPS unit with batteries for \$162,138.

10. Additional Funds for MF Electrical Building 15 KVA UPS Unit

RESOLUTION NO. 21-2-22  
AUTHORIZING ISSUANCE OF PURCHASE ORDER FOR  
MF ELECTRICAL BUILDING 15 KVA UPS UNIT

RESOLVED, that issuance of a Purchase Order is authorized to Double E Electric for a 15 KVA UPS unit with batteries for \$65,665.

11. RFP for Monitoring Well AMD-3 Redevelopment and Purchase Order to Westbay  
Instruments

RESOLUTION NO. 21-2-23  
AUTHORIZING RFP FOR SERVICES TO REDEVELOP MONITORING WELL AMD-3;  
AND AUTHORIZING ISSUANCE OF PURCHASE ORDER TO WESTBAY  
INSTRUMENTS MF ELECTRICAL BUILDING 15 KVA UPS UNIT

RESOLVED, that issuance of a Request for Proposals for services to redevelop monitoring well AMD-3 is hereby authorized.

RESOLVED, FURTHER, that issuance of a Purchase Order to Westbay Instruments for an amount not to exceed \$67,199 is authorized for replacement casing and packer components and tool rental for such well.

12. Agreements for Emergency On-Call Repair Services

RESOLUTION NO. 21-2-24  
AUTHORIZING AGREEMENTS FOR EMERGENCY ON-CALL REPAIR SERVICES WITH  
W.A. RASIC CONSTRUCTION COMPANY, INC., DOTY BROS. EQUIPMENT COMPANY,  
AND T.E. ROBERTS, IBNC. FOR EMERGENCY ON-CALL REPAIR SERVICES; AND  
AUTHORIZING GENERAL MANAGER TO INITIATE  
EMERGENCY REPAIRS WITH ON-CALL FIRMS

RESOLVED, that issuance of the following Agreements is authorized for Emergency On-Call Repair Services for a three-year term commencing April 1, 2021: W.A. Rasic Construction Company, Inc.; Doty Bros. Equipment Company, Inc.; and TE Roberts, Inc.; and the General Manager is authorized to initiate emergency repairs with the on-call firms for an amount not to exceed \$150,000 per emergency occurrence.

13. Amendment No. 1 to Stantec Consulting Services for Design Services for the Burris Basin GWRS Pipeline Outlet Project

RESOLUTION NO. 21-2-25  
AUTHORIZING AMENDMENT TO STANTEC CONSULTING SERVICES FOR DESIGN SERVICES FOR THE BURRIS BASIN GWRS PIPELINE OUTLET PROJECT

WHEREAS, pursuant to Resolution No. 19-3-39 adopted March 3, 2019, OCWD issued an agreement to Stantec Consulting Services for design services for the Burris Basin GWRS Pipeline Outlet Project; and

WHEREAS, the Water Issues Committee of this Board has recommended issuance of Amendment No. 1 in the amount of \$198,018 to such Agreement for additional design services for the Burris Basin GWRS Pipeline Outlet Project;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve Amendment No. 1 to Stantec as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

14. Work Order with Environmental Science Association for Additional Construction Monitoring Services for GWRSFE

RESOLUTION NO. 21-2-26  
AUTHORIZING ISSUANCE OF WORK ORDER WITH ENVIRONMENTAL SCIENCE ASSOCIATION FOR ADDITIONAL CONSTRUCTION MONITORING SERVICES FOR GWRS FINAL EXPANSION PROJECT

RESOLVED, that issuance of a work order with Environmental Science Association (ESA) is authorized under Agreement No. 1135 for construction monitoring services for the Groundwater Replenishment System Final Expansion Project in an amount not to exceed \$99,145.

15. Phase IV Study of Forecast-Informed Reservoir Operations at Prado Dam

RESOLUTION NO. 21-2-27  
AUTHORIZING AMENDMENT TO AGREEMENT WITH US SAN DIEGO/SCIPPS INSTITUTION OF OCEANOGRAPHY FOR PHASE IV STUDY OF FORECAST-INFORMED RESERVOIR OPERATIONS AT PRADO DAM

WHEREAS, pursuant to Resolution No. 17-6-90 adopted June 21, 2017, OCWD approved Sponsored Research Agreement No. 10414-20188035 for the Phase 1 Scoping Study on Forecast-Informed Reservoir Operations (FIRO) at Prado Dam with the Scripps Institute of Oceanography at the University of California, San Diego; and

WHEREAS, pursuant to Resolution No. 18-10-146 adopted October 17, 2018, OCWD approved an Amendment to such Agreement for Phase II of the FIRO Study; and

WHEREAS, pursuant to Resolution No. 20-1-9 adopted January 21, 2020, OCWD approved and Amendment to such Agreement for Phase III of the FIRO Study; and

WHEREAS, the Water Issues Committee of this Board has recommended Amendment to such Agreement with UC San Diego/Scripps Institution of Oceanography for Phase IV of the Study on Forecast-Informed Reservoir Operations at Prado Dam for an amount not to exceed \$291,000 for Phase IV; and

WHEREAS, the Water Issuers Committee has further recommended reimbursing three independent reviewers at a cost of \$5,000 each for independent review of the Prado FIRO Preliminary Viability Assessment for a total amount not to exceed \$15,000;

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

Section 1: The Amendment to Sponsored Research Agreement No. 10414-20188035 for Phase IV of the Study on Forecast-Informed Reservoir Operations at Prado Dam is approved as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

Section 2: Reimbursement of three independent reviewers at a cost of \$5,000 each for independent review of the Prado FIRO Preliminary Viability Assessment is authorized for a total amount not to exceed \$15,000.

ITEMS RECOMMENDED FOR APPROVAL AT ADMINISTRATION AND FINANCE  
ISSUES COMMITTEE MEETING HELD FEBRUARY 11, 2021

16. Monthly Cash Control Report

MOTION NO. 21-17  
RECEIVING AND FILING SUMMARY CASH AND  
CASH EQUIVALENTS CONTROL REPORTS

The Summary Cash and Cash Equivalents Control Reports dated January 31, 2020 is hereby received and filed.

17. Investment Portfolio Holdings Report

MOTION NO. 21-18  
RECEIVING AND FILING INVESTMENT PORTFOLIO HOLDING REPORTS

The Investment Portfolio Holdings Reports dated January 31, 2020 are hereby received and filed.

18. Renewal of Employment Agreement with Postdoctoral Research Associate Julio Polanco

RESOLUTION NO. 21-2-28  
AUTHORIZING RENEWED LIMITED-TERM EMPLOYMENT AGREEMENT  
FOR POSTDOCTORAL RESEARCH ASSOCIATE JULIO POLANCO

WHEREAS, pursuant to Resolution No. 19-3-26 adopted March 6, 2019, as amended, OCWD authorized a Limited Term Employment Agreement with Julio Polanco as a Postdoctoral Research Associate; and

WHEREAS, the Water Issues Committee of this Board has recommended renewal of such Agreement for a one-year period commencing March 21, 2020, at the hourly rate of \$29.87;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve the aforementioned Employment Agreement as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

19. Budget to Actual Report for Second Quarter Fiscal Year 2020-21

MOTION NO. 21-19  
RECEIVING AND FILING BUDGET TO ACTUAL REPORT FOR SECOND QUARTER  
FISCAL YEAR 2020-21

The Budget to Actual Report for Second Quarter of Fiscal Year 2020-21 ending December 31, 2021 is hereby received and filed.

20. Application Resolution for Water Infrastructure Finance and Innovation Act Loan (WIFIA) for the PFAS Treatment Facilities Project

RESOLUTION NO. 21-2-29  
AUTHORIZING THE PREPARATION AND SUBMISSION OF AN ENVIRONMENTAL  
PROTECTION AGENCY WATER INFRASTRUCTURE FINANCE AND INNOVATION  
ACT APPLICATION FOR THE PFAS TREATMENT FACILITIES PROJECT

WHEREAS, Orange County Water District (the "District"), a political subdivision duly organized and existing under and by virtue of the laws of the State of California, previously submitted a letter of interest (the "Letter of Interest") to the United States Environmental Protection Agency ("EPA") expressing the District's interest in participating in EPA's Water Infrastructure Finance and Innovation Act ("WIFIA") loan program (the "WIFIA Program") for the purpose of receiving a loan to be made by EPA to assist in financing a project consisting of the design and construction of certain facilities for the treatment of Per- and Polyfluoroalkyl Substances ("PFAS") impacting certain producer wells located within the District's service area (the "Project"); and

WHEREAS, on January 8, 2021, in response to the Letter of Interest, EPA formally invited the District to submit an application to EPA for a loan pursuant to the WIFIA Program; and

WHEREAS, the District has determined to submit an application to EPA for a loan in an amount up to \$173,312,669 (the "WIFIA Loan") which will be used to partially fund the design and construction of the Project (the "WIFIA Loan Application"); and

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

Section 1: The General Manager is hereby authorized and directed to prepare and submit on behalf of the District the WIFIA Loan Application.

Section 2: In connection with the submission of the WIFIA Loan Application, the General Manager is hereby authorized and directed to submit a \$100,000 non-refundable application fee payable to EPA.

Section 3: The General Manager or his designee and any other proper officer of the District, acting singly, is authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the submission of the WIFIA Loan Application and the transactions contemplated by this Resolution, and such actions previously taken by such officers are hereby ratified, confirmed and approved.

RESOLUTION NO. 21-2-30

AUTHORIZING PAYMENT OF LOAN APPLICATION FEE AND EPA CONSULTANT COSTS; AND AUTHORIZING PAYMENT FOR DISTRICT CONSULTANTS AND RATING AGENCY FEES FOR WATER INFRASTRUCTURE ACT LOAN FOR PFAS TREATMENT FACILITIES PROJECT

RESOLVED, that payment of the following fees for the Water Infrastructure Finance and Innovation Act Loan (WIFIA) for the PFAS Treatment Facilities Project is hereby authorized: Loan application fee and the Environmental Protection Agency consultant costs in the amount estimated at \$250,000; and District consultants and rating agency fees not to exceed \$260,000 based on representation of timing of the transaction made by the Environmental Protection Agency.

ITEM REMOVED FROM THE CONSENT CALENDAR FOR CONSIDERATION

5. Resolution Honoring Rich Haller Upon His Retirement from SAWPA

The Board presented a resolution of commendation to retiring SAWPA General Manager Rich Haller. Upon motion by Director Rowe, seconded by Director Nguyen, the following resolution was unanimously adopted [10-0].

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



RESOLUTION NO. 21-2-31  
RECOGNITION AND APPRECIATION OF THE PUBLIC SERVICE  
OF MR. RICH HALLER

WHEREAS, the Santa Ana Watershed Project Authority (SAWPA) is a Joint Powers Authority comprised of five member agencies: Eastern Municipal Water District, Inland Empire Utilities Agency, Orange County Water District, Western Municipal Water District, and the San Bernardino Valley Municipal Water District; and

WHEREAS, SAWPA focuses on watershed-wide water resource issues including water supply reliability, water quality improvement, recycled water, wastewater treatment, groundwater management, brine disposal, and integrated regional planning; and

WHEREAS, SAWPA develops and maintains regional plans, programs, and projects to protect the Santa Ana Watershed and its water resources to maximize beneficial uses in an economically and environmentally responsible manner; and

WHEREAS, Mr. Haller has worked for SAWPA since 2001 and has served as its general manager for the last three years; and

WHEREAS, Mr. Haller has announced his plans to retire from SAWPA; and

WHEREAS, in his capacity at SAWPA, Mr. Haller has provided dedicated leadership to the Santa Ana Watershed through his development and oversight of numerous projects and partnerships; and

WHEREAS, under Mr. Haller's leadership, SAWPA has advanced its work in collaborative, watershed-scale planning and encouraged integrated management of water resources and assisted with securing funding for multi-benefit projects that support watershed sustainability; and

WHEREAS, under Mr. Haller's leadership, SAWPA has continued to advance the Inland Empire Brine Line; which offers multiple benefits to the watershed including protecting and improving groundwater quality through salt and contaminant removal; and

WHEREAS, Mr. Haller has been an active member of his community, including serving as a member of the City of Highland Planning Commission; and

WHEREAS, Mr. Haller served in the United States Air Force and Air Force Reserve, including a tour of duty in Iraq, and retired as a Lieutenant Colonel.

NOW, THEREFORE, be it resolved that the Board of Directors of the Orange County Water District hereby extends their sincere gratitude to Mr. Haller for his successful leadership at SAWPA and his service to our country and wishes him well in his future endeavors.

## MATTERS FOR CONSIDERATION

21. Award Contract No. GG-2020-1 Garden Grove Wells 21, 23, 28, 29, and 30 PFAS Water Treatment Plant, to Pacific Hydrotech Corporation

Principal Engineer Ryan Bouley advised that a total of three construction bids were received on February 2, 2021 for Contract No. GG-2020-1, Garden Grove Wells 21, 23, 28, 29, and 30 PFAS Water Treatment Plants. He stated the bid from low bidder Innovative Construction Solutions (ICS) had irregularities that rendered its bid non-responsive. Mr. Bouley stated staff recommends rejecting the ICS bid and awarding the construction contract to the second lowest bidder, Pacific Hydrotech Corporation, in the amount of \$12,812,800. He also recommended establishing a total project budget of \$22,680,658.

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

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

## RESOLUTION NO. 21-2-32

## AWARDING CONTRACT NO. GG-2020-1, GARDEN GROVE WELLS 21, 23, 28, 29, AND 30 PFAS WATER TREATMENT PLANTS, TO PACIFIC HYDROTECH CORPORATION

WHEREAS, a Notice Inviting Bids for Contract No. GG-2020-1 Garden Grove Wells 21, 23, 28, 29, and 30 PFAS Water Treatment Plant, was published in *The Orange County Register* on December 21, 2020; and

WHEREAS, Addendum No. 1 to such Contract was issued on January 13, 2021 to advise bidders of certain requirements related to Water Infrastructure Finance and Innovation Act Loan (WIFIA) funding and control system programming, and Addendum No. 2 was issued January 21, 2021 to revise certain plan sheets and specifications and to respond to contractor inquiries; and

WHEREAS, the following bids were received and opened on February 2, 2021:

Innovative Construction Solutions	\$ 12,677,545
Pacific Hydrotech Corporation	\$ 12,812,800
Environmental Construction, Inc.	\$ 13,866,398

WHEREAS, the District staff has advised that Innovative Construction Solutions (ICS) had bid irregularities that rendered its bid non-responsive and staff recommends rejecting the ICS bid and awarding a construction contract to the apparent low bidder, Pacific Hydrotech Corporation;

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. GG-2020-1 is received and filed.

Section 2: Issuance of Addenda Nos. 1 and 2 to such Contract is hereby ratified.

Section 3: The bid of ICS is deemed non-responsive due to bid irregularities and is hereby rejected.

Section 4: The lowest responsive bid of Pacific Hydrotech Corporation in the amount of \$12,812,800 is accepted and all other bids are rejected.

Section 5: The District officers are authorized to execute an Agreement on behalf of the District, in a form heretofore approved by this Board, with Pacific Hydrotech Corporation, pursuant to the terms of its proposal.

Section 6: 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 7: 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 8: The Garden Grove Wells 21, 23, 28, 29, and 30 PFAS Water Treatment Plants project budget is hereby established in the amount of \$22,680,658.

#### INFORMATIONAL ITEMS

##### 22. PFAS Update

Director Sheldon requested a Closed Session be agendized for a future Board meeting to discuss the PFAS litigation.

##### 23. Water Resources Summary

There was no discussion of this item.

##### 24. Santa Ana Watershed Project Authority Commission Activities

Director Rowe announced that Jeff Mosher is the new SAWPA General Manager.

##### 25. 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.

February 04	-	Communication and Legislative Liaison Committee
February 10	-	Water Issues Committee
February 11	-	Administration and Finance Issues Committee

#### VERBAL REPORTS

Director Green reported on her attendance at the CalDesal Conference on February 10.

RECESS TO CLOSED SESSION

The Board recessed to Closed Session as follows:

CONFERENCE WITH LABOR NEGOTIATORS

[Government Code Section 54957.6]

OCWD designated representative: Stephanie Dosier

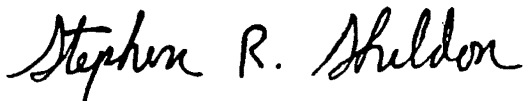
- ⊙ Employee Organization: Orange County Employee Association: and
- ⊙ Non-Represented Employees (Confidential and Management)

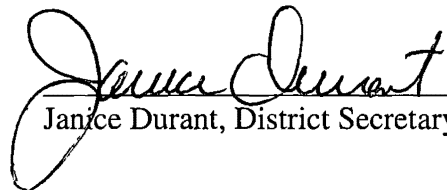
RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 7:00 p.m. whereupon General Counsel Jungreis stated that there no reportable action was taken in Closed Session.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:00 p.m.

  
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Stephen R. Sheldon, President

  
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Janice Durant, District Secretary