

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

President Sheldon called to order the February 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
Cathy Green
Nelida Mendoza
Dina Nguyen (absent)
Kelly Rowe
Stephen Sheldon
Harry Sidhu
Tri Ta
Bruce Whitaker
Roger Yoh

Staff

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

VISITOR PARTICIPATION

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

CONSENT CALENDAR

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

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

1. Approval of Cash Disbursements

MOTION NO. 22-8
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of January 13, 2022 through January 26, 2022 in the total amount of \$11,569,645.74 is ratified and approved.

2. Approval of Minutes of Board Meetings

MOTION NO. 22-9
APPROVING MINUTES OF BOARD OF DIRECTORS MEETINGS

The Minutes of the Board of Directors meetings held December 15, 2021 and January 5, 2022 are hereby approved as presented.

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

RESOLUTION NO. 22-2-11
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 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. On-Call Consultants Design Budget Increase to Prepare PFAS Treatment System Designs

MOTION NO. 22-10
 APPROVING INCREASE IN BUDGET FOR ON-CALL CONSULTANTS DESIGN
 BUDGET TO PREPARE PFAS TREATMENT SYSTEM DESIGNS

An increase of \$2,000,000 in the PFAS Treatment System project design and construction management services budget is authorized for a total budget of \$18,000,000.

ITEMS RECOMMENDED FOR APPROVAL AT RETIREMENT COMMITTEE MEETING
 HELD JANUARY 25

5. 401(a) Money Purchase Retirement Plan Investment Line-Up and 457(B) Deferred Compensation Plan Red Flag Fund Review

MOTION NO. 22-11
 RECEIVING AND FILING THE 401(A) MONEY PURCHASE RETIREMENT PLAN
 AND 457(B) DEFERRED COMPENSATION PLAN INVESTMENT PORTFOLIOS

The 401(a) Money Purchase Retirement Plan investment portfolio and the 457(b) Deferred Compensation Plan investment portfolio is hereby received and filed and the following actions in connection with portfolio funds are approved:

INVESTMENT FUNDS	SYMBOL	ACTION
401 (a) Portfolio		
MFS Technology R4	MTCJX	Keep Red Flag
Fidelity Adv Global Commodity Stock I	FFGIX	Red Flag

MATTER FOR CONSIDERATION

6. City of Santa Ana PFAS Water Treatment Plant Well No. 40: Award Construction Contract to Pacific Hydrotech Corp.

Principal Engineer Ben Smith advised that a total of seven construction bids were received on January 13, 2022 for Contract SA-2021-1, Santa Ana PFAS Water Treatment Plant Well No. 40. Based on review of the bids received, he stated staff recommends award of the contract to Pacific Hydrotech Corp as the lowest responsive bid in the amount of \$3,406,800. He explained that staff is recommending rejection of the bid of MMC, Inc. for failure to meet the contract experience requirement of demonstrating completion of at least two pressurized water treatment projects over the last ten years and demonstrating compliance in the bid with OCWD's minimum Disadvantaged Business Enterprise participation percentage.

Upon motion by Director Rowe seconded by Director Ta, the following resolution was unanimously carried [9-0].

Ayes: Bilodeau, Green, Mendoza, Rowe, Sheldon, Sidhu, Ta, Whitaker, Yoh

Absent: Nguyen

RESOLUTION NO. 22-2-12

AWARDING CONTRACT NO. SA-2021-1, CITY OF SANTA ANA PFAS WATER TREATMENT PLANT WELL NO. 40, TO PACIFIC HYDROTECH CORPORATION

WHEREAS, a Notice Inviting Bids for Contract No. SA-2021-1, City of Santa Ana PFAS Water Treatment Plant Well No. 40, was published in the Orange County Register on November 13, 2021; and

WHEREAS, Addendum Nos. 1 and 2 to such Contract were subsequently issued to clarify the contract documents;

WHEREAS, the following bids were received and opened on January 13, 2022:

MMC Inc.	\$ 2,949,000
Pacific Hydrotech Corp	\$ 3,406,800
Innovative Construction Solutions	\$ 3,420,000
Insight Environmental Eng. & Const.	\$ 3,536,000
T.E. Roberts	\$ 3,708,434
Caliagua	\$ 3,958,036
Pascal & Ludwig Constructors	\$ 4,364,867

WHEREAS, the District staff has recommended rejection of the bid from MMC Inc. for failure to meet the contract experience requirement of demonstrating completion of at least two pressurized water treatment projects over the last ten years, and demonstrating compliance in the bid with OCWD's minimum Disadvantaged Business Enterprise participation percentage; and,

WHEREAS, the Water Issues Committee of this Board has recommended award of said Contract to the lowest responsive bidder, Pacific Hydrotech Corp. in the amount of \$3,406,800;

WHEREAS, staff has further recommended a budget for such project be established at \$5,500,000;

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 SA-2021-1, City of Santa Ana PFAS Water Treatment Plant Well No. 40 is hereby received and filed.

Section 2: Issuance of Addendum No. 1 and Addendum No. 2 is ratified.

Section 3: The non-responsive bid from MMC, Inc. is rejected for failure to meet the contract experience requirement of demonstrating completion of at least two pressurized water treatment projects over the last ten years and demonstrating compliance in the bid with OCWD's minimum Disadvantaged Business Enterprise participation percentage.

Section 4: The lowest responsive bid of Pacific Hydrotech Corp in the amount of \$3,406,800 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 Corp. 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: A project budget of \$5,500,00 is hereby established for such Project.

INFORMATIONAL ITEMS

7. Update on GWRS Final Expansion Project

GWRS Program Director Sandy Scott-Roberts updated the Board on the GWRS Final Expansion Project currently under construction by Shimmick Construction Company to expand the Advanced Water Treatment Facility and construct the GWRS pump station and flow equalization tanks at Orange County Sanitation District (OC San) Plant No. 2.

8. Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA) President's Special Recognition Award

General Manager Markus noted that the District received the ACWA/JPIA's "President's Special Recognition Award" certificate for its liability and property programs.

9. PFAS Update

Director of Engineering Chris Olsen provided an overview of PFAS design and construction activities, and Executive Director Jason Dadakis provided a brief federal and state regulatory update.

10. Santa Ana Watershed Project Activities

Director Whitaker provided a brief update on recent SAWPA activities.

11. Committee/Conference/Meeting Reports

The Board reported on attendance at the January 25 Retirement Committee meeting, noting that the Action Agenda was included in tonight's Board packet.

VERBAL REPORTS

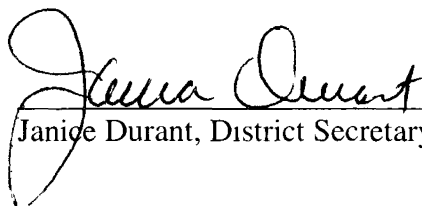
President Sheldon reported on his attendance last night at the Yorba Linda City Council meeting and expressed his appreciation to the city for its approval of OCWD's PFAS resolutions. He announced that Director Rowe had been appointed as the OCWD representative to the WaterReuse Association.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:25 p.m.



Stephen R. Sheldon, President



Janice Durant, District Secretary