

MINUTES OF SPECIAL MEETING  
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT  
March 28, 2014, 12:30 p.m.

President Dewane called to order the March 28, 2014 special meeting of the Orange County Water District Board of Directors at 12:30 p.m. in the Conference C-2at the District office. The Assistant District Secretary called the roll and reported a quorum as follows.

Directors

Philip Anthony  
Kathryn Barr  
Denis Bilodeau  
Shawn Dewane  
Jan Flory (not present)  
Cathy Green  
Vincent Sarmiento  
Stephen Sheldon  
Harry Sidhu  
Roger Yoh

Staff

Michael Markus, General Manager  
Joel Kuperberg, General Counsel  
Judy-Rae Karlsen, Assistant District Secretary  
Robert Ennis, John Kennedy, Eleanor Torres

Others

Don Calkins – City of Anaheim  
Charles E. Griffin - Resident of Newport Beach

VISITOR PARTICIPATION

Newport Beach resident Charles E. Griffin urged the Board to consider alternate sources of renewal energy. There were no other persons wishing to address the Board on items not on today's Agenda.

MATTERS FOR CONSIDERATION

1. Legislation Update - Assembly Bill 2712

General Manager Mike Markus gave a brief update on meetings with legislators regarding Assembly Bill 2712. He recommended that the District consider AB 2712 and adopt a position opposing the Bill unless it is amended to incorporate language recommended by the District. After a brief discussion, the following action was taken.

MOTION NO. 14-54

ADOPTING AN OPPOSE UNLESS AMENDED POSITION ON BILL AB 2712

Upon motion by Director Green, seconded by Director Sheldon and carried [9-0], adoption of the "oppose unless amended" position on AB 2712 (Daly) is hereby approved.

Ayes: Anthony, Barr, Bilodeau, Dewane, Green, Sarmiento, Sidhu, Sheldon, Yoh  
Absent: Flory

Mr. Markus then recommended that the Board also consider adopting the following amendment to Section 8(d) of the District Act that will require National Contingency Plan (NCP) compliance prior to the filing suits for cost recovery. He reviewed the proposed amendment.

**Proposed Amendment to Section 8 of the OCWD District Act**

(d) In order to obtain cost recovery by legal action or proceeding to recover the costs of cleaning up or containing contamination, abating the effects of the contamination or pollution, or taking other emergency, removal or remedial action pursuant to subdivision (c) above, the district shall: (i) provide notice of such action to the office of the Regional Water Quality Control Board and the Department of Toxic Substances Control for the region in which such action shall be taken, and (ii) comply with the requirements for consistency with the National Contingency Plan (40 C.F.R. Part 300) that would apply to the State of California if it were seeking to recover costs under the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. §9607(a)(4)(A)) or the Hazardous Substance Account Act, Health and Safety Code §§ 25300, et seq.

A brief discussion ensued and the following action was taken.

MOTION NO. 14-55  
ADOPTING PROPOSED AMENDMENT TO ADD  
SUBDIVISION (d) TO SECTION 8 OF THE DISTRICT ACT

Upon motion by Director Anthony, seconded by Director Bilodeau and carried [9-0], adoption of the Amendment to subdivision (d) of Section 8 of the District Act is hereby approved.

Ayes: Anthony, Barr, Bilodeau, Dewane, Green, Sarmiento, Sidhu, Sheldon, Yoh  
Absent: Flory

2. Assembly Bill 2712 – Public Relations Assistance

Mr. Markus reported that five firms responded to the Request for Qualifications for Public Relations Assistance that was published on the District website and distributed to local and regional public relations firms. He reported that staff distributed the proposals to the Board for review. There was a consensus of the Board that the ad-hoc Executive Committee assumes responsibility for interviewing and selecting the most qualified firm; however, Directors were encouraged to submit their comments, concerns and recommendations. After a brief discussion on the proposed scope of work and terms of the Agreement, the Board recommended the General Manager be authorized to negotiate and execute the contract. The following action was taken.

MOTION NO. 14-56  
AUTHORIZING AD HOC EXECUTIVE COMMITTEE TO SELECT  
A PUBLIC RELATIONS FIRM AND AUTHORIZING THE GENERAL MANAGER TO  
NEGOTIATE AND EXECUTE THE AGREEMENT

Upon motion by Director Sarmiento, seconded by Director Green and carried [9-0-1], the ad hoc Executive Committee is hereby authorized to interview and select the most qualified Public Relations firm to assist the District with AB 2712 issues and other potential legislation, and the General Manger is authorized to negotiate and execute an Agreement with the selected firm, subject to approval as to


form by District General Counsel.


Ayes: Anthony, Barr, Bilodeau, Dewane, Green, Sarmiento, Sidhu, Sheldon, Yoh

Absent: Flory

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:15 p.m.

  
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Shawn Dewane, President

  
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Judy-Rae Karlsen, Assistant District Secretary