

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
April 20, 2022, 5:30 p.m.

President Sheldon called to order the April 20, 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
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.

1. Public Hearing to Consider Water Year 2022-23 Replenishment Assessments, Basin Equity Assessment, Basin Production Percentage, Production Requirement Limitation and Surcharge

President Sheldon opened the public hearing for Finding and Determining the Groundwater Basin Overdraft; Levying the RA, Additional RA, and Fixed Charge RA, establishing the BPP, establishing a Production Limitation and a Surcharge, and setting the BEA. Executive Director John Kennedy explained that The District Act requires a public hearing be held each April to establish the Replenishment Assessment (RA), Additional Replenishment Assessment (ARA), Basin Production Percentage (BPP), Production Limitation and Surcharge, and the Basin Equity Assessments (BEA). He stated that staff has revised its recommendation for setting the RA and ARA at \$558 per acre-foot which includes the addition of purchasing 5,000 acre-feet of Metropolitan Water District (MWD) untreated water. He also noted the BPP would remain at 77% and that a Production Limitation of 100% would be established along with a Surcharge of \$2,000/acre-foot for groundwater production above the Production Limitation. Mr. Kennedy stated that if the Board decides not to include the 5,000 acre-feet of MWD water in the budget (which was the original staff recommendation), staff will adjust the RA, ARA, and BEA resolutions accordingly. He noted the rates established by the Board would become effective July 1, 2022. President Sheldon then opened the hearing for public comment.

Director Rowe expressed support for the 5,000 acre-feet water purchase. There being no other persons wishing to present testimony, President Sheldon declared the hearing closed and the Board took the following actions.

1. Resolution A

Upon motion by Director Rowe, seconded by Director Sidhu, the following resolution was unanimously adopted [10-0] by roll call vote.

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

RESOLUTION NO. 22-4-36
FINDING AND DETERMINING A GROUNDWATER BASIN OVERDRAFT EXISTS

WHEREAS, the report and recommendation of the General Manager on the amount of the replenishment rates, which includes a consideration of the amount of money necessary for replenishment purposes and to pay the costs of initiating, carrying on and completing any of the powers, projects and purposes of the District, has been heard; and

WHEREAS, pursuant to the provisions of the Orange County Water District Act, an engineering investigation and report concerning the condition of the groundwater supplies of the Orange County Water District has been filed and presented to the Board of said District, and a public hearing was held on March 16, 2022, for the purpose of considering the groundwater conditions of said District and to hear persons supporting or protesting the written engineering investigation and report on file with said District; and

WHEREAS, all notices as required regarding said hearing were given and all persons were permitted an opportunity to submit any evidence to this Board; and said matter was submitted to this Board of Directors for their finding and determination;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Directors of the Orange County Water District finds and determines that an overdraft, both annual (based on normal hydrology) and accumulated, does exist in the groundwater supplies of said District; and

BE IT FURTHER RESOLVED that this Board of Directors hereby finds and determines as follows:

1. That the average annual overdraft for the immediate past five water years without supplemental replenishment water is 126,000 AF
2. That the annual basin overdraft for the current water year, July 1, 2021 to June 30, 2022 without supplemental replenishment water is estimated to be 98,000 AF
3. That the estimated annual basin overdraft for the ensuing water year, July 1, 2022 to June 30, 2023 without supplemental replenishment water is 112,000 AF
4. That the accumulated overdraft as of the last day of the preceding water year, June 30, 2021, is 248,000 AF

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| 5. | That the accumulated overdraft as of the last day of the current water year, assuming average hydrology June 30, 2022 is estimated to be | 226,000 AF |
| 6. | That the maximum amounts of water which could be purchased pursuant to the District Act from the Replenishment Fund for the replenishment of the groundwater supplies of the District for the ensuing water year is | 132,000 AF |
| 7. | That the recommended amount of water to be purchased for the replenishment of the groundwater supplies of the District for the ensuing water year, excluding supplies for the Talbert seawater intrusion barrier, is | 3,000 AF |
| 8. | That the amount of money necessary to purchase the recommended amount of water to replenish the groundwater supplies of the District for the water year July 1, 2022 to June 30, 2023 is | \$8.2 million |

2. Resolution B

Upon motion by Director Rowe, seconded by Director Sidhu, with Director Ta voting “No,” the following resolution was unanimously adopted [9-0-1] by roll call vote.

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

Noes: Ta

**RESOLUTION NO. 22-4-37
LEVYING REPLENISHMENT ASSESSMENT FOR WATER PRODUCED
DURING WATER YEAR 2022-23**

WHEREAS, the engineering investigation and report concerning the condition of the groundwater supplies of the Orange County Water District has been made and filed; and

WHEREAS, the report and recommendation of the General Manager on the amount of the replenishment rate, which includes a consideration of the amount of money necessary for replenishment purposes and to pay the costs of initiating, carrying on and completing any of the powers, projects and purposes of the District, has been heard; and

WHEREAS, on March 16, 2022, the District provided public documents on a potential increase to the Replenishment Assessment to be levied and imposed on each groundwater producer, and the basis and reasons for the proposed Replenishment Assessment; and

WHEREAS, a duly noticed public hearing was held on March 16, 2022 concerning the condition of the groundwater supplies of this District and a duly-noticed public hearing was held on April 20, 2022 for the purpose of determining the need and desirability of levying a Replenishment Assessment; and

WHEREAS, no written protests were filed against the adoption, levy and imposition of the proposed Replenishment Assessment; and

WHEREAS, this Board has found and determined that an annual and accumulated overdraft does exist;

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

Section 1: That the Board of Directors does hereby find and determine that it is necessary and desirable to levy a Replenishment Assessment and to fix the rate thereof for the purchase of water to replenish the groundwater supplies of said District and to pay the costs of initiating, carrying on and completing any of the powers, projects and purposes of the District for the ensuing water year.

Section 2: That, based upon the staff report and presentation, the proposed fiscal year 2022-23 budget presented by the General Manager, and the testimony and evidence presented at the public hearing, the Board of Directors finds and declares as follows:

- (a) In accordance with Sections 23 and 27 of the Orange County Water District Act, the purposes of the Replenishment Assessment are to generate revenues sufficient to acquire water to replenish the average annual overdraft for the immediate five years plus an additional amount of water sufficient to eliminate over a period of not less than 10 years nor more than 20 years the accumulated overdraft, and to provide the services and to pay the costs of initiating, carrying on, and completing the powers, projects and purposes for which the District was organized and which are authorized by the Board of Directors;
- (b) The revenues derived from the levy and imposition of the Replenishment Assessment do not exceed the reasonable costs to the District of acquiring water, providing the groundwater management and replenishment services and carrying out the powers, projects and purposes for which the District was organized and which are authorized by the Board of Directors;
- (c) The Replenishment Assessment is imposed for groundwater management and replenishment services to pay the costs of initiating, carrying on, and completing the powers, projects, and purposes for which the District was organized and which are authorized by the Board of Directors, which are not provided to or which do not provide a benefit to persons who are not charged directly or indirectly the Replenishment Assessment;
- (d) The manner in which the Replenishment Assessment is allocated to and imposed on any operator of a groundwater producing facility bears a fair and reasonable relationship to the operator's burdens on, or benefits received from, the District's groundwater management and replenishment services and such other projects and purposes for which the District was organized and which are authorized by the Board of Directors; and
- (e) No Replenishment Assessment shall be levied or imposed upon any operator of any groundwater producing facility unless that operator produces groundwater.

Section 3: That pursuant to the provisions of Section 27 of the Orange County Water District Act, and based upon the finding that an overdraft, either annual or accumulated, exists, a Replenishment Assessment is hereby levied and assessed against all persons operating water producing facilities and producing water during the ensuing water year, from July 1, 2022 to and including June 30, 2023, from the groundwater supplies of said District at the uniform rate of \$279 per acre-foot of water produced by all persons during the ensuing water year. The Board of Directors finds and determines that the replenishment rate of \$279 per acre-foot of water produced by all persons during the ensuring water year does not exceed the amount necessary to purchase sufficient water to replenish the average annual overdraft for the immediate five years, plus an additional amount of water sufficient to eliminate over a period of not less than 10 years nor more than 20 years the accumulated overdraft, plus an amount to pay the costs of initiating, carrying on and completing the powers, projects and purposes for which the District was organized.

Section 4: That the Secretary of this District is hereby instructed and directed to give notice of the levy of this Replenishment Assessment as required by the Orange County Water District Act.

3. Resolution C

Upon motion by Director Rowe, seconded by Director Sidhu, with Director Ta voting "No," the following resolution was unanimously adopted [9-0-1] by roll call vote.

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

Noes: Ta

RESOLUTION NO. 22-4-38
LEVYING ADDITIONAL REPLENISHMENT ASSESSMENT AND FIXED CHARGE
REPLENISHMENT ASSESSMENT FOR WATER PRODUCED
DURING WATER YEAR 2022-23, AND DETERMINING THE REPLENISHMENT
ASSESSMENT AND ADDITIONAL REPLENISHMENT ASSESSMENT
EXEMPT FROM CEQA

WHEREAS, the engineering investigation and report concerning the condition of the groundwater supplies of the Orange County Water District has been made and filed; and

WHEREAS, the report and recommendation of the General Manager on the amount of the additional replenishment rate, which includes a consideration of the amount of money necessary for replenishment purposes and to pay the costs of initiating, carrying on and completing any of the powers, projects and purposes of the District, has been heard; and

WHEREAS, on March 16, 2022 the District provided public documents on a potential increase to the Additional Replenishment Assessment to be levied and imposed on each groundwater producer, and the basis and reasons for the proposed Additional Replenishment Assessment; and

WHEREAS, the Additional Replenishment Assessment is paid by all persons operating water producing facilities for all purposes other than irrigation as defined in the District Act; and

WHEREAS, a duly noticed public hearing was held on March 16, 2022 concerning the condition of the groundwater supplies of this District and a duly noticed public hearing was held on April 20, 2022 for the purpose of determining the need and desirability of levying an Additional Replenishment Assessment, and fixing the rate thereof; and

WHEREAS, no written protests were filed against the adoption, levy and imposition of the proposed Additional Replenishment Assessment; and

WHEREAS, this Board has heretofore levied a Replenishment Assessment against all persons operating water producing facilities and producing water during the ensuing water year, from July 1, 2022 to and including June 30, 2023, from the groundwater supplies of said District at the uniform rate of \$279 per acre-foot of water produced by all persons during the ensuing water year;

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

Section 1: That the Board of Directors does hereby find and determine that it is necessary and desirable to levy an Additional Replenishment Assessment and to fix the rate thereof to pay the costs of initiating, carrying on and completing any of the powers, projects and purposes of the District for the ensuing water year.

Section 2: That, based upon the staff report and presentation, the proposed fiscal year 2022-23 budget presented by the General Manager, and the testimony and evidence presented at the public hearing, the Board of Directors finds and declares as follows:

- (a) In accordance with Sections 23 and 27.1 of the Orange County Water District Act, the purpose of the Additional Replenishment Assessment is to generate revenues sufficient to provide the services and to pay the costs of initiating, carrying on, and completing the powers, projects, and purposes for which the District was organized and which are authorized by the Board of Directors;
- (b) The revenue derived from the levy and imposition of the Additional Replenishment Assessment shall not exceed the reasonable cost to the District of providing the groundwater management and replenishment services and carrying out the powers, projects, and purposes for which the District was organized and which are authorized by the Board of Directors;
- (c) The Additional Replenishment Assessment is imposed for groundwater management and replenishment services and to pay the costs of initiating, carrying on, and completing the powers, projects and purposes for which the District was organized and which are authorized by the Board of Directors, which are not provided to or which do not provide a benefit to persons who are not charged directly or indirectly the Additional Replenishment Assessment;
- (d) The manner in which the Additional Replenishment Assessment is allocated to and imposed on any operator of a groundwater producing facility bears a fair and

reasonable relationship to that operator's burdens on, or benefits received from the District's groundwater management and replenishment services and such other projects and purposes for which the District was organized and which are authorized by the Board of Directors; and

- (e) No Additional Replenishment Assessment shall be levied or imposed upon any operator of any groundwater producing facility unless that operator produces groundwater for purposes other than irrigation.

Section 3: That pursuant to the provisions of Section 27.1 of the Orange County Water District Act, the Board of Directors hereby finds and determines that it is necessary and advisable to levy an Additional Replenishment Assessment against all persons operating water producing facilities for all purposes other than irrigation at a uniform rate per acre-foot for water produced during the ensuing year for the purpose of paying the costs of initiating, carrying on and completing the powers, projects and purposes for which the District is organized. The Board of Directors further finds that the Additional Replenishment Assessment rate of \$279 per acre-foot of water produced from the groundwater supplies of the District is necessary for the protection of the water supplies of the District and that the amount is reasonable. An Additional Replenishment Assessment is hereby levied and assessed against all persons operating water producing facilities and producing water from the groundwater supplies of said District for all purposes other than irrigation during the ensuing water year from July 1, 2022 to and including June 30, 2023 at the uniform rate of \$279 per acre-foot of water for a total of \$558 per acre-foot of water produced by said persons during the ensuing water year for purposes other than irrigation.

Section 4: Pursuant to Section 29 of the Orange County Water District Act, the Board of Directors of the Orange County Water District does hereby provide that the operator of any water producing facility within the District which has a discharge opening not greater than two inches in diameter and which does not provide domestic or irrigation water for an area in excess of one acre, in lieu of filing a sworn statement as to the production of groundwater, may pay a fixed Replenishment Assessment and Additional Replenishment Assessment in the amount of \$558 for water produced in the ensuing water year, namely July 1, 2022 to June 30, 2023.

Section 5: Based upon the staff report and presentation, the proposed fiscal year 2022-23 budget presented by the General Manager, and the testimony and evidence presented at the public hearing, the Board of Directors finds and declares that the adoption, levy and imposition of the Replenishment Assessment and Additional Replenishment Assessment do not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") and are exempt from CEQA under Public Resources Code Section 21080(b)(8) and State CEQA Guidelines §§ 15378(b)(4) and 15273, because the Replenishment Assessment and Additional Replenishment Assessment: (a) involve the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment; and (b) are for the purposes of meeting operating expenses (including employee wage rates and fringe benefits), purchasing or leasing supplies, equipment or materials, meeting financial reserve needs and requirements, and obtaining funds for capital projects necessary to maintain the level of service within the District's existing boundaries.

Section 6: That the Board of Directors does hereby find and determine that a producer who operates a groundwater production facility for irrigation purposes as defined in the District Act is not subject to payment of the Additional Replenishment Assessment due to the benefits the District receives from agricultural activity. These benefits include:

- Open tilled agricultural fields contribute to natural incidental recharge of the groundwater basin;
- The District does not incur the costs to provide water quality groundwater testing for agricultural users, which is provided to the operators of water producing facilities for purposes other than agriculture;
- The District and the operators of water producing facilities for agricultural purposes have little to minimal interaction in annual operations. Conversely the District and the operators of facilities for non-agricultural purposes regularly interact and/or coordinate operations. Examples include the MWD Conjunctive Use Program, the Coastal Pumping Transfer Program, attending meetings, coordinating on MWD issues, legislative advocacy, public outreach and the In-lieu program; and
- Some agricultural irrigation water migrates back into aquifer reducing the net impact of groundwater production for agricultural purposes.

Section 7: That the Secretary of this District is hereby instructed and directed to give notice of the levy of the Replenishment Assessment and this Additional Replenishment Assessment as required by the Orange County Water District Act, and to file a Notice of Exemption in accordance with CEQA.

4. Resolution D

Upon motion by Director Rowe, seconded by Director Sidhu, with Director Ta voting "No," the following resolution was unanimously adopted [9-0-1] by roll call vote.

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

Noes: Ta

RESOLUTION NO. 22-4-39

ESTABLISHING THE BASIN PRODUCTION PERCENTAGE, PRODUCTION LIMITATION, PRODUCTION LIMITATION SURCHARGE, AND DETERMINING THE NEED AND DESIRABILITY TO LEVY BASIN EQUITY ASSESSMENTS AND AMOUNT THEREOF, AND DETERMINING SUCH ACTIONS TO BE EXEMPT FROM CEQA

WHEREAS, pursuant to Section 31.5 of the Orange County Water District Act, an engineering report on water production and the condition of water supplies within the Orange County Water District has been filed and presented to the Board of Directors of said District, and a hearing relating to said production and condition of water supplies was held on Wednesday, March 16, 2022; and

WHEREAS, a duly noticed public hearing was held on April 20, 2022 and evidence submitted for the purpose of determining the need and desirability of levying Basin Equity Assessments and the amount thereof, as well as the need for establishing production requirements, limitations, and surcharges to enforce said limitations, and the extent thereof, and said matters having been submitted to the Board of Directors for its findings and determinations;

WHEREAS, as documented with Resolution A, Finding and Determining a Groundwater Basin Overdraft Exists, an annual and accumulated overdraft exists with the groundwater basin and the District does not want excessive unexpected quantities of groundwater to be produced, or production of groundwater to occur in a manner that has the potential to harm users of groundwater within the District, which the setting of a Production Limitation and a Surcharge will discourage and penalize.

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

Section 1: That the Board of Directors does hereby find and determine for the ensuing water year July 1, 2022 to June 30, 2023 as follows:

- a. The estimated total amount of water to be produced by all persons or operators within the District from the groundwater within the District is 295,000 acre-feet. Approximately 24,000 acre-feet of this amount has been determined to receive either a partial or full Basin Equity Assessment exemption pursuant to Section 38.1 of the OCWD Act.
- b. The estimated total amount to be produced by such persons and operators from groundwater and supplemental sources is 377,000 acre-feet.
- c. The Basin Production Percentage is 77 percent. There are no basin Production Requirements.
- d. The Production Limitation is 100 percent for all 19 retail Groundwater Producers and is necessary for the protection of the water supply of the District. The Surcharge for production in excess of the Production Limitation is \$2,000 per acre-foot.
- e. The Basin Equity Assessment and Production Limitations from groundwater within the District established by this resolution are necessary to prevent excessive groundwater production and to protect the water supply of the District and users of groundwater within the District.
- f. The District will implement the Coastal Pumping Transfer Program and the BEA for those participating Groundwater Producers is reasonable and has been modified.
- g. Staff is authorized if requested by the city of Huntington Beach to make a 6 month estimated BEA payment in February 2023.
- h. The Basin Equity Assessment shall be set at \$0 per acre-feet for agricultural irrigation use producers who do not have a supplemental water connection, and that such amount is reasonable.
- i. The Basin Equity Assessments to be levied against all other persons and operators in a dollar amount per acre-foot of water produced from the groundwater supply (in excess of the basin production percentage) for all purposes including irrigation are as follows:

j.

Table 1 - Basin Equity Assessments

| Groundwater Producer | BEA (\$/AF) |
|--|--------------------|
| City of Anaheim | 323 |
| City of Buena Park | 511 |
| East Orange County Water District | 554 |
| City of Fountain Valley | 458 |
| City of Fullerton | 591 |
| City of Garden Grove | 471 |
| Golden State Water Company | 594 |
| City of Huntington Beach | 545 |
| Irvine Ranch Water District | 585 |
| City of La Palma | 542 |
| Mesa Water District | 596 |
| City of Newport Beach | 602 |
| City of Orange | 586 |
| City of Santa Ana | 565 |
| City of Seal Beach | 575 |
| Serrano Water District | 544 |
| City of Tustin | 536 |
| City of Westminster | 478 |
| Yorba Linda Water District | 406 |
| All producers for agricultural irrigation use | 813 |
| Producers for agricultural Irrigation Use without MWD Access | 0 |
| All Others | 574 |

- j. The amount of each such Basin Equity Assessment is reasonable.
k. During the ensuing water year, upon the District giving published notice thereof, pursuant to Section 6061 of the Government Code, in a newspaper of general circulation printed and published within the District at least 10 days prior to such hearing, a subsequent public hearing may be held to modify the basin production percentage, any Basin Equity Assessments, any surcharge, or any production requirement or limitation established by the District.

Section 2: That pursuant to Section 31.5(h) of the Orange County Water District Act, all persons and operators who produce 25 acre-feet or less of water from groundwater within the District shall be excluded from the levy of the Basin Equity Assessments and production requirements and limitations provided for herein.

Section 3: The Board of Directors finds and determines that the establishment of the basin production percentage, production limitations, and the adoption, levy and imposition of basin equity assessments and surcharges are exempt from the California Environmental Quality Act (“CEQA”) under State CEQA Guideline §15378(b)(2) since they involve continuing administrative activities such as general policy and procedure making.

Section 4: Based upon the staff report and presentation, the proposed fiscal year 2022-23 budget presented by the General Manager, and the testimony and evidence presented at the public hearing, the Board of Directors finds and declares that the adoption, levy and imposition of the basin equity assessments, production limitations and surcharges do not constitute a “project” within the meaning of CEQA and are exempt from CEQA under Public Resources Code Section 21080(b)(8) and State CEQA Guidelines §§ 15378(b)(4) and 15273, because the basin equity assessments production limitations and surcharges: (a) involve the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment; and (b) are for the purposes of meeting operating expenses (including employee wage rates and fringe benefits), purchasing or leasing supplies, equipment or materials, meeting financial reserve needs and requirements, and obtaining funds for capital projects necessary to maintain the level of service within the District’s existing boundaries.

Section 5: That the Secretary of this District is hereby instructed and directed to give notice of the Basin Production Percentage, Basin Equity Assessments, the Production Limitation and the Production Limitation Surcharge as required by the Orange County Water District Act, and to file a Notice of Exemption in accordance with CEQA.

CONSENT CALENDAR

Director Rowe requested the removal of Item No. 6, *Research Funding Agreement with USBR*, and Director Bilodeau requested the removal of item No. 8, *State Legislative Update*. The balance of the Consent Calendar was approved upon motion by Director Green, seconded by Director Sidhu and carried [10-0] as follows:

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

2. Approval of Cash Disbursements

MOTION NO. 22-34 APPROVING CASH DISBURSEMENTS

Payment of bills for the period of March 31, 2022 through April 13, 2022 in the total amount of \$7,383,343.85 is ratified and approved.

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

RESOLUTION NO. 22-4-40 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. Request to Extend On-Call Consultants Agreements for PFAS Treatment System Designs

MOTION NO. 22-35

AUTHORIZING EXTENSION OF ON-CALL CONSULTANT AGREEMENTS FOR PFAS
TREATMENT SYSTEM DESIGNS

The six on-call consultant agreements for PFAS Treatment System project design and construction management services are hereby extended through March 31, 2024 (Tetra Tech, CDM Smith, Jacobs Engineering, Kennedy Jenks, Stantec, AECOM).

5. Authorization Resolutions to Apply for a Feasibility Study Grant on OCWD PFAS Removal Program

RESOLUTION NO. 22-4-41

APPROVING THE GRANT APPLICATION FOR THE TITLE XVI WATER RECYCLING
PROJECTS UNDER THE WATER INFRASTRUCTURE IMPROVEMENTS FOR THE
NATION (WIIN) ACT INCLUDING TECHNICAL FEASIBILITY STUDY OF ORANGE
COUNTY WATER DISTRICT PER AND POLYFLUOROALKYL SUBSTANCES
REMOVAL PROGRAM AND THE EXECUTION OF GRANT DOCUMENTS WITH THE
UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION

WHEREAS, The Orange County Water District Board of Directors approved and implemented a Per and Polyfluoroalkyl Substances (PFAS) Policy to provide technical and financial assistances to cities and water agencies in its service area to remove PFAS contaminant from affected groundwater wells;

WHEREAS, The Orange County Water District conducted a technical feasibility study of PFAS Removal Program for groundwater wells impacted by the PFAS water quality contamination; and

WHEREAS, The United States Department of the Interior Bureau of Reclamation established a grant funding program entitled Title XVI Water Recycling Projects under the Water Infrastructure Improvements for the Nation (WIIN) Act in Title XVI of Public Law number 114-322 to assist in identifying and investigating opportunities to reclaim and reuse wastewater and promote the availability of new sources of clean water while promoting water and energy efficiency and environmental stewardship.

THEREFORE, BE IT RESOLVED by the Board of Directors of the Orange County Water District as follows:

Section 1: The Board of Directors hereby approves the grant application for a feasibility study on Orange County Water District Per and Polyfluoroalkyl Substances Removal Program to the United States Department of the Interior Bureau of Reclamation to promote the availability of new sources of clean water, sustainable water management, water efficiency and environmental stewardship.

Section 2: The Orange County Water District General Manager, or designee, is hereby authorized and directed to submit an application for the feasibility study grant and to negotiate and execute any documents related to this grant including the grant application and cooperative agreement and any amendment(s) thereto, to accept a financial assistance from the United States Department of the Interior Bureau of Reclamation.

Section 3: If the grant application is approved, the Orange County Water District has the financial capability to provide the matching grant funds specified in the grant requirements.

Section 4: The Orange County Water District will work with the United States Department of Interior Bureau of Reclamation to meet established deadlines for entering into a cooperative agreement.

6. Research Funding Agreement with USBR to Assess Multi-Metals Continuous Water Analyzer for Monitoring Reverse Osmosis Performance

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

7. Purchase of Metropolitan Water District Untreated Water

**MOTION NO. 22-36
AUTHORIZING PURCHASE OF METROPOLITAN WATER DISTRICT
UNTREATED WATER**

The purchase of up to 3,000 acre-feet of Metropolitan Water District untreated water during the remaining ten days of April is hereby authorized.

**ITEMS RECOMMENDED FOR APPROVAL AT COMMUNICATION AND LEGISLATIVE
LIAISON COMMITTEE MEETING HELD APRIL 7, 2022**

8. State Legislative Update

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

**ITEMS RECOMMENDED FOR APPROVAL AT WATER ISSUES COMMITTEE MEETING
HELD APRIL 13, 2022**

9. Amendment No. 1 to Agreement with Intera for Model Evaluation Regarding Underflow Across County Line

**RESOLUTION NO. 22-4-42
AUTHORIZING AMENDMENT TO AGREEMENT WITH INTERA FOR
MODEL EVALUATION REGARDING UNDERFLOW ACROSS COUNTY LINE**

WHEREAS, pursuant to Resolution No. 20-2-20 adopted February 19, 2020, the OCWD Board approved Agreement No. 1414 with Intera to evaluate the hydrogeology and respective groundwater models constructed by OCWD and the U.S. Geological Survey for the Water

Replenishment District with the goal of reducing uncertainty in estimating groundwater underflow across the Los Angeles County line; and

WHEREAS, the Water Issues Committee of this Board has recommended issuance of Amendment No. 1 to such Agreement with Intera, Inc., in an amount not to exceed \$6,000 for additional funds required to complete the technical memorandum documenting its analyses and findings;

NOW, THEREFORE, the Orange County Water District Board of Directors does hereby approve issuance of such Amendment to Agreement No. 1414 with Intera, Inc. as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

10. Extension of Agreements with Habitat West and Endemic Environmental Services for On-Call Restoration Planting and Maintenance in Prado Basin

RESOLUTION NO. 22-4-43

EXTENSION OF AGREEMENTS WITH HABITAT WEST AND ENDEMIC ENVIRONMENTAL SERVICES FOR ON-CALL RESTORATION PLANTING AND MAINTENANCE IN PRADO BASIN

WHEREAS, pursuant to Resolution No. 18-12-165 adopted December 5, 2018, as amended, OCWD issued Agreement No. 1125 to Habitat West for on-call restoration planting and maintenance in Prado Basin as part of the District's Prado Basin Water Conservation Program and wetlands operations; and

WHEREAS, pursuant to Resolution No. 21-3-41 adopted March 17, 2021 OCWD authorized an agreement with Endemic Environmental Services, Inc. in the amount of \$47,943 for the Prado Basin Sediment Management Demonstration Project Mitigation Planting;

WHEREAS, the Water Issues Committee of this Board has recommended issuance of Amendment No. 2 to Agreement No. 1125 with Habitat West and Amendment No. 1 to Agreement with Endemic Environmental Services for a total amount not to exceed \$225,000 for a three-year period with a \$75,000 annual limit for hourly work associated with planting, irrigation systems and weed management in Prado Basin through June 30, 2025;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby authorize issuance of the Amendments to Agreements with Habitat West and Endemic Environmental Services as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

11. Agreements for On-Call Environmental Services

RESOLUTION NO. 22-4-44

AUTHORIZING RENEWAL OF EXISTING AGREEMENTS FOR ON-CALL
ENVIRONMENTAL ANALYSIS SERVICES WITH SAGECREST, PSOMAS, AND
ENVIRONMENTAL SCIENCE ASSOCIATES

Renewal of the existing Agreements for on-call environmental analysis services with SageCrest, Psomas, and Environmental Science Associates is hereby authorized for an additional term of three years, extending the termination date to August 31, 2025; and, upon approval as to form by District General Counsel, execution of such agreements by the District officers is authorized.

12. Alamitos Barrier Project: Monitoring Well Cluster OCWD-35K1 Destruction and Replacement Agreement with Orange County Sanitation District

RESOLUTION NO. 22-4-45

AUTHORIZING WELL RELOCATION AGREEMENT FOR ALAMITOS BARRIER
MONITORING WELL CLUSTER OCWD-35K1 DESTRUCTION AND REPLACEMENT
AGREEMENT WITH ORANGE COUNTY SANITATION DISTRICT

WHEREAS, the District staff has advised that the Orange County Sanitation District (OC San) is replacing a pump station located on the Naval Weapons Station Seal Beach that will necessitate the replacement of OCWD monitoring well cluster OCWD-35K1 used to monitor seawater intrusion near the Alamitos Barrier; and

WHEREAS, the Water Issues Committee of this Board has presented and recommended approval of an agreement whereby OC San will pay for the well destructions and replacements, and OCWD will pay the Navy \$20,265 for administrative costs to issue a new easement since the replacement wells will no longer be within the existing easement;

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

Section 1: The *Monitoring Wells OCWD-35K1P and OCWD-35K1Q Relocation Agreement* for Alamitos Barrier monitoring well cluster OCWD-35K1 with OC San is hereby approved as presented; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

Section 2: Payment to the U.S. Department of the Navy is authorized in the amount of \$20,265 to procure a new well site OCWD-35K1 easement on the Naval Weapons Station Seal Beach and within the OC San easement.

13. Contract PB-2021-1 Phase 2 Prado Basin Monitoring Wells: Change Order No. 2 and
Change Order No. 3 with BC2 Environmental, LLC
-

MOTION NO. 22-37

RATIFYING AND APPROVING ISSUANCE OF CHANGE ORDERS TO CONTRACT
 NO. PB-2021-1 PHASE 2 PRADO BASIN MONITORING WELLS (BC2
 ENVIRONMENTAL, LLC)

Issuance of the following Change Orders to Contract No. PB-2021-1, Phase 2 Prado Basin Monitoring Wells (BC2 Environmental, LLC) is hereby ratified/approved as follows and an increase the project budget from \$129,452 to \$141,302 is authorized:

Change Order No. 2 (ratified) that incorporates the terms of the U.S. Army Corps of Engineers License Agreement (DACP09-3-22-3251) and Easement Agreement (DACP09-2-22-2184) with no cost increase to the contract; and
 Change Order No. 3 (approved) to repair and rehabilitate storm-damaged monitoring wells OCWD-PD26 and OCWD-PD26B increasing the contract by \$11,850 for a new contract total of \$98,966.

14. Contract No. ORA-2022-1 City of Orange Wells 20, 21 & 22 PFAS Treatment Systems:
Engineers Report, Categorical Exemption, and Notice Inviting Bids
-

RESOLUTION NO. 22-4-46

APPROVING ENGINEER'S REPORT FOR CONTRACT NO. ORA-2022-1, CITY OF
 ORANGE WELLS 20, 21 & 22 PFAS TREATMENT SYSTEMS AND AUTHORIZING
 FILING OF CATEGORICAL EXEMPTION

WHEREAS, the District staff has submitted the Engineer's Report for the City of Orange Wells 20, 21 & 22 PFAS Treatment Systems Project to restore the use of groundwater supplies impacted by PFAS contaminants with minimal delay and has recommended the project be determined feasible, necessary, and beneficial to the lands of the District; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA); staff has determined that the aforementioned project is consistent with the Categorical Exemption for New Construction or Conversion of Small Structures because it consists of the construction and operation of a limited number of new, small facilities or structures; and

WHEREAS, the Water Issues Committee of this Board has recommended publication of a Notice inviting Bids;

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

Section 1: The Engineer's Report for the City of Orange Wells 20, 21 & 22 PFAS Treatment Systems Project is hereby approved, and the project is determined feasible, necessary and beneficial to the lands of the District.

Section 2: Filing of a Categorical Exemption for the Fullerton Main Plant PFAS Water Treatment Plant project in compliance with the California Environmental Quality Act (CEQA) guidelines;

Section 3: Publication of Notice Inviting Bids is authorized for Contract No. ORA-2022-1, City of Orange Wells 20, 21 & 22 PFAS Treatment Systems.

15. Contract No. GSWC-2022-1 Golden State Water Company Wells Bradford 4 and Fairhaven 1 & 3 PFAS Water Treatment Systems: Engineers Report, Categorical Exemption, and Notice Inviting Bids
-

RESOLUTION NO. 22-4-47

APPROVING ENGINEER'S REPORT FOR GSWC WELLS BRADFORD 4 AND FAIRHAVEN 1 & 3 PFAS TREATMENT SYSTEMS PROJECT AND AUTHORIZING FILING OF CATEGORICAL EXEMPTION

WHEREAS, the District staff has submitted the Engineer's Report for the Golden State Water Company (GSWC) Wells Bradford 4 and Fairhaven 1 & 3 PFAS Treatment Systems Project to restore the use of groundwater supplies impacted by PFAS contaminants with minimal delay and has recommended the project be determined feasible, necessary and beneficial to the lands of the District;

WHEREAS, in accordance with the California Environmental Quality Act (CEQA); staff has determined that the aforementioned project is consistent with the Categorical Exemption for New Construction or Conversion of Small Structure because it consists of the construction and operation of a limited number of new, small facilities or structures; and

WHEREAS, the Water Issues Committee of this Board has recommended publication of a Notice inviting Bids;

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

Section 1: The Engineer's Report for the GSWC Wells Bradford 4 and Fairhaven 1 & 3 PFAS Treatment Systems Project is hereby approved, and the project is determined feasible, necessary and beneficial to the lands of the District.

Section 2: Filing of a Categorical Exemption is authorized for the GSWC Wells Bradford 4 and Fairhaven 1 & 3 PFAS Treatment Systems Project in compliance with the California Environmental Quality Act (CEQA) guidelines.

Section 3: Publication of Notice Inviting Bids is authorized for Contract No. GSWC-2022-1, GSWC Wells Bradford 4 and Fairhaven 1 & 3 PFAS Treatment Systems.

16. Award Contract GBM-2022-2, Construction of Monitoring Well Cluster SC-7 to AB Liovin Drilling, Inc. and Agreement with Wood Rodgers for Inspection Services

RESOLUTION NO. 22-4-48

AWARDING CONTRACT GBM-2022-2 CONSTRUCTION OF MONITORING WELL CLUSTER SC-7 TO ABC LIOVIN DRILLING, INC. AND AUTHORIZE AGREEMENT WITH WOOD RODGERS FOR INSPECTION SERVICES

WHEREAS, a Notice Inviting Bids for Contract No. GBM-2022-2, Construction of Monitoring Well Cluster SC-7, was published in *The Orange County Register* on, March 7, 2022; and

WHEREAS, the following bids were received and opened on March 30, 2022:

| | |
|---------------------------|-----------|
| ABC Liovin Drilling, Inc. | \$354,825 |
| BC2 Environmental, LLC. | \$388,000 |

WHEREAS, the Water Issues Committee of this Board has recommended award of said Contract to the lowest responsive bidder, ABC Liovin Drilling, Inc., in the amount of \$354,825; and

WHEREAS, the District staff has recommended issuance of a services agreement to Wood Rodgers for inspection services during construction of the SC-7 monitoring well cluster for an amount not to exceed \$79,841.

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. GBM-2022-2 is received and filed.

Section 2: The lowest responsive bid of ABC Liovin Drilling, Inc., in the amount of \$354,825 is accepted and all other bids are rejected.

Section 3: The District officers are authorized to execute an Agreement on behalf of the District, in a form heretofore approved by this Board, with ABC Liovin Drilling, Inc., pursuant to the terms of its proposal.

Section 4: 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 5: 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 6: A project budget is hereby established in the amount of \$515,980.

Section 7: Issuance of an Agreement is authorized to Wood Rodgers for inspection services during construction of the C-7 monitoring well cluster for an amount no to exceed \$79,841; and upon approval as to form by District General Counsel, its execution by the District officers is authorized.

17. Serrano Water District PFAS Water Treatment Plant: Change Orders and Notice of Completion

RESOLUTION NO. 22-4-49

ACCEPTING COMPLETION OF CONTRACT NO. SWD-2020-1, SERRANO PFAS WATER TREATMENT PLANT (PACIFIC HYDROTECH CORP.); AND AUTHORIZING TRANSFER OF THE SERRANO PFAS TREATMENT SYSTEM TO THE SERRANO WATER DISTRICT AND QUITCLAIM ANY PROPERTY RIGHTS OBTAINED FOR THE PROJECT

WHEREAS, the District staff has advised of issuance of Change Order Nos. 2-5 and recommended issuance of Change Order No. 6 to Contract No. SWD-2020-1, Serrano Water District PFAS Water Treatment Plant, for a total contract price increase of \$236,771; and

WHEREAS, the District staff has reported that Pacific Hydrotech Corp. has completed work under Contract No. SWD-2020-1, Serrano Water District PFAS Water Treatment Plant; and

WHEREAS, staff has recommended that the District accept completion of said work and that a Notice of Completion be filed for recordation and the balance of payment be made, pursuant to the terms and conditions of such contract;

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

Section 1: Issuance of Change Order Nos. 2-6 in the amount \$236,771 is ratified/authorized.

Section 2: Work under such Contract is accepted as complete, and the District staff is authorized and directed to execute a Notice of Completion and record said Notice in the Office of the County Recorder.

Section 3: Upon expiration of the interim lien period, providing no liens have been filed, payment of the balance due under such Contract shall be made.

Section 4: An increase in the project budget by \$296,934 for a total project budget of \$5,953,934 is authorized.

Section 5: The General Manager is authorized to transfer the Serrano PFAS Treatment System to the Serrano Water District effective the date of filing the Notice of Completion and quitclaim any property rights obtained for the project.

ITEMS RECOMMENDED FOR APPROVAL AT ADMINISTRATION AND FINANCE
ISSUES COMMITTEE MEETING HELD APRIL 14, 2022

18. Monthly Cash Control Report

MOTION NO. 22-38
RECEIVING AND FILING THE MONTHLY CASH CONTROL REPORTS

The Summary Cash and Cash Equivalents Control Reports dated March 31, 2022 are hereby received and filed.

19. Investment Portfolio Holdings Reports

MOTION NO. 22-39
RECEIVING AND FILING THE INVESTMENT PORTFOLIO HOLDINGS REPORTS

The Investment Portfolio Holdings Reports dated March 31, 2022 are hereby received and filed.

20. Amendment No. 1 to Agreement with Utiliquest for Underground Service Alert Services

RESOLUTION NO. 22-4-50
APPROVING AMENDMENT TO AGREEMENT WITH UTILIQUEST FOR
UNDERGROUND SERVICE ALERT (USA) SERVICES

WHEREAS, pursuant to Resolution No. 20-6-79 adopted June 17, 2020, OCWD issued Agreement No. 1295 to Utiliquest to provide underground service alert monitoring services for a period of two years with an option to renew for an additional period of two years under the same terms and conditions; and

WHEREAS, the Administration and Finance Issues Committee of this Board has recommended issuance of Amendment No. 1 to Agreement No. 1295 with Utiliquest for an amount not to exceed \$102,000 per year for a period of two years to provide underground service alert monitoring services with an option to renew for an additional period of two years under the same terms and conditions;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby authorize issuance of Amendment No. 1 to Agreement 1295 as described herein; and upon approval as to form by District General Counsel, its execution by the District officers is authorized.

21. Agreement to PacWest for District Security Services

RESOLUTION NO. 22-4-51
APPROVING AGREEMENT TO PACWEST FOR SECURITY SERVICES

RESOLVED, that issuance of an Agreement to PacWest Security Services is authorized for an estimated annual cost of \$395,000 to provide protective guard services at the OCWD Fountain Valley campus and all OCWD field locations.

22. Amendment to Agreement with Lhoist North America for the Supply and Delivery of Lime

RESOLUTION NO. 22-4-52
APPROVING AMENDMENT TO AGREEMENT WITH LHOIST NORTH AMERICA FOR
CONTINUED SUPPLY AND DELIVERY OF HYDRATED LIME

WHEREAS, pursuant to Resolution No. 18-4-50 adopted April 18, 2018, as amended, OCWD authorized Agreement No. 1298 to Lhoist North America for supply and delivery of hydrated lime at the rate of \$237 per ton for a period of two years with an option to renew for one additional two-year period; and,

WHEREAS, the Administration and Finance Issues Committee has recommended renewal of such Agreement for supply and delivery of hydrated lime at the rate of \$328.66 per ton for a period of one year with an option to renew for an additional one year at an amount agreed to by both parties;

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

ITEMS REMOVED FROM CONSENT CALENDAR FOR CONSIDERATION

6. Research Funding Agreement with USBR to Assess Multi-Metals Continuous Water Analyzer for Monitoring Reverse Osmosis Performance

Director Rowe commended staff for obtaining research funding for continuous analysis of multi-metals. The following action was then taken. Upon motion by Director Rowe, seconded by Director Green, the following resolution was unanimously adopted [10-0].

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

RESOLUTION NO. 22-4-53

APPROVING RESEARCH FUNDING AGREEMENT WITH USBR TO ASSESS MULTI-METALS CONTINUOUS WATER ANALYZER FOR MONITORING REVERSE OSMOSIS PERFORMANCE AND AUTHORIZING PURCHASE ORDER TO SAILBRI COOPER, INC. FOR RENTAL OF XACT 920 ANALYZER

WHEREAS, the District staff has advised that the District has been awarded a \$102,700 grant from the U.S. Bureau of Reclamation (USBR) for a research study to evaluate use of an online continuous multi-metals water analysis instrument, Xact 920 (Sailbri Cooper, Inc.), for potential applications to the GWRS reverse osmosis (RO) process, including verification of membrane integrity through monitoring trace elements as well as detection of mineral-scale forming metals; and

WHEREAS, staff has further advised that the grant award will be supplemented by a cost share contribution from the District estimated at \$72,484 for staff labor to meet USBR's cost share requirements;

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

Section 1: The agreement with U.S. Bureau of Reclamation in the amount of \$175,184 for the study titled, *Assessment of a Multi-Metals Continuous Water Analyzer Based on ED-XRF to Monitor Reverse Osmosis Performance in Potable Water Reuse*, is hereby approved, and upon approval as to form by OCWD General Counsel, its execution by the District officers is authorized.

Section 2: Issuance of Purchase Order to Sailbri Cooper, Inc. is authorized for an amount not to exceed \$63,000 (to be reimbursed from the grant) for a six-month rental of Xact 920 analyzer to be used for the aforementioned study.

8. State Legislative Update

Director Bilodeau stated that subsequent to the April 7 Communication and Legislative Liaison Committee meeting, he further reviewed AB2108 and determined it much more impactful to OCWD than previously thought as it would change the composition of the State Water Board. He stated that ACWA has taken a watch/amend position and recommended that the OCWD Board take an oppose position to this bill.

**MOTION NO. 22-40
ADOPTING POSITIONS ON STATE LEGISLATION**

Upon motion by Director Bilodeau, seconded by Director Rowe and carried [10-0],

The Board hereby adopts the Following Positions on State Legislation:

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

| Bill Number/Author | Title | Recommended Position |
|-----------------------------------|--|-----------------------|
| AB 2811 Bennett, D-Ventura | California Building Standards Commission: recycled water: nonpotable water systems | Oppose Unless Amended |
| AB 2108 Rivas, D – Salinas | Water Policy: Environmental Justice: Disadvantaged and Tribal Representation | Oppose |
| AB 2142 Gabriel, D-Woodland Hills | Income Taxes - Exclusion - Turf Replacement Water Conservation Program | Support |

MATTER FOR CONSIDERATION

23. Proposed Fiscal Year 2022-23 Budget

Treasurer/CFO Randy Fick recalled that the proposed FY 2022-23 budget has been reviewed in detail with the Board and the Groundwater Producers over the past two months. He noted that the budget totals \$302.4 million and he reviewed the various budget components. The Board then took the following action approving the FY 2022-23 budget.

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

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

**RESOLUTION NO. 22-4-54
APPROVING FISCAL YEAR 2022-23 BUDGET**

WHEREAS, the Orange County Water District Board of Directors has reviewed the proposed OCWD Budget for fiscal year 2022-23 as presented by the General Manager and District Chief Financial Officer/Treasurer;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve and adopt the fiscal year 2022-23 budget as follows:

| | |
|------------------|------------------------------------|
| \$ 85.2 million | General Fund |
| \$ 12.3 million | Water Purchase Fund |
| \$ 42.3 million | Debt Service Fund |
| \$ 146.6 million | Capital Improvement Program |
| \$ 1.6 million | Retiree Health Insurance Fund |
| \$ 0.3 million | New Capital Equipment Fund |
| \$ 23.6 million | Replacement and Refurbishment Fund |

INFORMATIONAL ITEMS

24. Water Resources Summary

There was no discussion of this item.

25. Santa Ana Watershed Project Authority Commission Activities

Director Whitaker updated the Board on recent SAWPA activities.

26. 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.

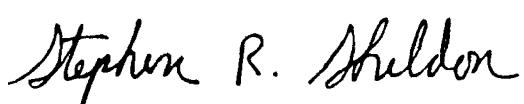
Apr 07 Communication and Legislative Liaison Committee
 Apr 11 GWRS Steering Committee
 Apr 13 Water Issues Committee
 Apr 14 Administration and Finance Issues Committee

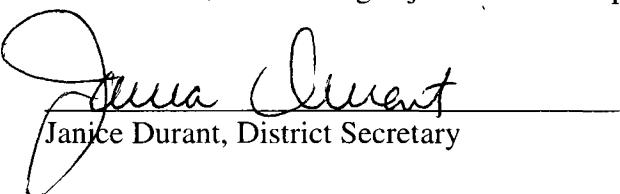
27. Verbal Reports

General Manager Markus recommended the cancellation of the May 4 Board meeting and rescheduling of the May 5 Communication and Legislative Liaison Committee Meeting due to a Conflict with the upcoming ACWA Spring Conference.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:20 p.m.


Stephen R. Sheldon


Janice Durant, District Secretary

Stephen R. Sheldon, President