

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
April 6, 2022, 5:30 p.m.

President Sheldon called to order the April 6, 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

PRESENTATION OF PREMIUM REFUND CHECK BY ACWA/JPIA

Mesa Water District Director and Association of California Water Agencies (ACWA/JPIA) representative Fred Bockmiller presented the District with a retrospective premium adjustment in the amount of \$125,095.77.

VISITOR PARTICIPATION

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

1. Second Public Hearing (Continued) - Orange County Water District Boundary Adjustment Process

President Sheldon recalled that the March 16 Public Hearing to consider OCWD Boundary Adjustments was continued to tonight's Board meeting to receive additional public and Director input. He then reopened the Public Hearing as follows:

MOTION NO. 22-30
REOPENING THE PUBLIC HEARING TO CONSIDER
OCWD BOUNDARY ADJUSTMENTS

Upon motion by Director Green, seconded by Director Ta and carried [9-0], the Public Hearing to consider OCWD Boundary Adjustments is hereby opened.

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

Absent: Nguyen

President Sheldon advised that State law requires the District to adjust the boundaries of Board divisions one through seven per Elections Code 22000-22002 based on the 2020 census data in order to, as far as practicable, equalize the populations in each of these divisions. General Manager Mike Markus advised that the new 2020 population data was previously provided to the Board and noted that the District is required to hold two public hearings before making any necessary division boundary adjustments.

Director of Hydrogeology Roy Herndon advised that based upon review of detailed population data from the 2020 United States Decennial Census data for the territory within the Orange County Water District boundaries, staff has determined that the division boundaries should be adjusted to obtain more equal populations within each of Director Divisions 1 through 7. He advised that redistricting aims to adjust the boundaries to equalize populations and that, based on this, the boundaries of Divisions 3, 5 and 7 will decrease, while Divisions 1, 2, 4, and 6 will increase. President Sheldon opened the hearing for public/Director comment. Mesa Water District Director Fred Bockmiller complimented staff on its efforts to readjust the boundaries. There being no further testimony, Presidents Sheldon declared the hearing closed and the Board took the following action.

Upon motion by Director Green, seconded by Director Sidhu, the following resolution was unanimously adopted [8-0].

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

Absent: Mendoza, Nguyen

RESOLUTION NO. 22-4-31
APPROVING REAPPORTIONMENT OF OCWD DIRECTOR
DIVISIONS NOS. 1 THROUGH 7

WHEREAS, pursuant to Section 1.2 of the Orange County Water District Act and Chapter 8 (commencing with Section 22000) of Division 21 of the State of California Elections Code, the Orange County Water District is required to hold two public hearings to consider adjustment of the boundaries of the first, second, third, fourth, fifth, sixth, and seventh divisions of the District after each Federal Decennial Census; and

WHEREAS, based upon review of detailed population data from the 2020 United States Decennial Census data for the territory within the Orange County Water District boundaries, the Board of Directors has determined that the division boundaries should be adjusted to obtain more equal populations within each of Director Divisions 1 through 7; and

WHEREAS, in this regard, the Board of Directors of OCWD has reviewed such proposed boundary changes per Elections Code §22000(a) and conducted two public hearings per Elections Code §22001, and has thereafter determined that a change in population of these divisions has occurred such that changes to the current boundaries of divisions one, two, three, four, five, six and seven are necessary and in the best interests of the District;

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

Section 1: The Board of Directors of the Orange County Water District does hereby find that a sufficient change in population has occurred to Board Divisions one, two, three, four, five, six and seven, so as to make it necessary to adjust their boundaries so that the divisions are, as far as practicable, equal in population and in compliance with all applicable laws.

Section 2: The Board of Directors approves the 2020 OCWD Director Division Redistricting Map, as presented to the Board at public hearings held January 6, 2022, March 16, 2022, and April 6, 2022 and kept on file at the District office, as the official map setting forth the boundaries of the Director Divisions within the District.

Section 3: The District Secretary is authorized and directed to provide a copy of the approved *2020 OCWD Director Division Redistricting Map* to the Orange County Registrar of Voters.

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

2. Approval of Cash Disbursements

MOTION NO. 22-31 APPROVING CASH DISBURSEMENTS

Payment of bills for the period of March 10, 2022 through March 30, 2022 in the total amount of \$16,365,752.75 is ratified and approved.

3. Approval of Minutes of Board Meetings

MOTION NO. 22-32 APPROVING MINUTES OF BOARD OF DIRECTORS MEETINGS

The Minutes of the Board of Directors meetings held March 2, 2022 are hereby approved as presented.

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

RESOLUTION NO. 22-4-32
 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.

ITEMS RECOMMENDED FOR APPROVAL AT PROPERTY MANAGEMENT COMMITTEE MEETING HELD MARCH 25, 2022

5. License Agreement West of Highway 71/Prado Basin

RESOLUTION NO. 22-4-33
APPROVING LICENSE AGREEMENT WITH PARKVIEW REAL ESTATE FOR ACCESS
ACROSS DISTRICT PROPERTY WEST OF HIGHWAY 71 AT PRADO BASIN

WHEREAS, the Property Management Committee has recommended approval of a License Agreement with Parkview Real Estate for access across District Property, west of Highway 71 access road, for a one-year period ending April 6, 2023, for a License Fee of \$1,148;

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

6. YLWD Request for Lease Approval for Proposed Water Well at Warner Basin

RESOLUTION NO. 22-4-34
APPROVING YORBA LINDA WATER DISTRICT LEASE FOR PROPOSED WATER
WELL AT WARNER BASIN

WHEREAS, pursuant to Motion No. 19-66 adopted May 22, 2019, the OCWD Board conceptually approved the Yorba Linda Water District's request for a well site and pipeline lease for its proposed Well No. 23, and directed staff to negotiate a lease with YLWD and return to the Board for final approval; and

WHEREAS, the Property Management Committee of this Board has recommended approval of YLWD's Well No. 23 Facilities and authorizing the General Manager to finalize negotiations and execute the aforementioned lease;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve Yorba Linda Water District's Well No. 23 Facilities, and the General Manager is authorized to finalize negotiations and execute the well site and pipeline lease, subject to approval as to form and content by District General Counsel.

7. Amendment to Lease with Harvest Landscape Enterprises, Inc. for Property Located at 950 West Lincoln, Orange
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RESOLUTION NO. 22-4-35
AUTHORIZING AMENDMENT TO LEASE WITH
HARVEST LANDSCAPE ENTERPRISES

WHEREAS, pursuant to Resolution No. 07-3-27 adopted March 7, 2007, as amended, the OCWD Board authorized a Lease to Harvest Landscape Enterprises, Inc. (formerly SS&K Landscape Maintenance, Inc.) for a container nursery at 950 W. Lincoln Avenue, Orange; and

WHEREAS, the Property Management Committee of this Board has recommended issuance of Amendment Four to such Lease to extend the Lease expiration date to March 31, 2027 with all other Lease terms to remain the same;

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

MATTER FOR CONSIDERATION

8. Appointment Process and Nomination Period For Orange County LAFCO Regular and Alternate Special District Member Seats
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The Board concurred that the OCWD Board President would cast OCWD's vote in the upcoming LAFCO election for the Regular and Alternate Special Districts Members. It was requested that the ballot with potential candidates be submitted to the Board for review prior to the election.

MOTION NO. 22-33
DESIGNATING BOARD PRESIDENT TO CAST OCWD BALLOT FOR OC LAFCO
REGULAR AND ALTERNATE SPECIAL DISTRICTS MEMBER ELECTION

Upon motion by Director Whitaker, seconded by Director Green and carried [9-0], The Board President is authorized to cast the OCWD ballot in upcoming OC LAFCO Regular and Alternate Special Districts Member election.

INFORMATIONAL ITEMS

9. PFAS Update

Executive Director John Kennedy 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 Authority Commission Activities

Director Whitaker updated the Board on recent SAWPA activities.

11. Committee/Conference/Meeting Reports

The Board reported on attendance at the following Committee meetings, noting the Action Agendas were included in tonight’s Board packet.

- March 22 – Retirement Committee
- March 25 – Property Management Committee

12. Verbal Reports

General Manager Markus advised that OCWD is actively pursuing grant funding under Title 16 for the PFAS treatment projects. Director Rowe reported that he attended the MWDOC Board meeting earlier today and noted that the Metropolitan Water District Chief Financial Officer provided a budget presentation which includes an 8% increase both this year and next year.

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 6:17 p.m. as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –
 [Government Code Section 54956.9(a)] – One case:
 OCWD v. Sabic Innovative Plastics, LLC (South Basin), et al Superior Court Case No.
 03CC00078246

RECONVENE IN OPEN SESSION

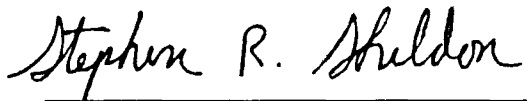
The Board reconvened in Open Session at 6:30 whereupon General Counsel Jungreis advised that the Board took the following action by a vote of 8-0 in Closed Session as follows.

RESOLUTION NO. CS-22-4-1
 IN THE CASE OF OCWD V. SABIC INNOVATIVE PLASTICS, LLC (SOUTH BASIN),
 APPROVING DISMISSAL OF BORG WARNER WITH PREJUDICE IN EXCHANGE FOR A
 MUTUAL WAIVER OF COSTS

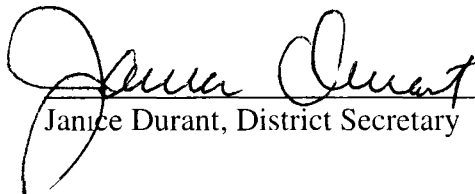
Ayes: Green, Mendoza, Rowe, Sheldon, Sidhu, Ta, Whitaker, Yoh
 Absent: Bilodeau, Nguyen

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:30 p.m.



Stephen R. Sheldon, President


Janice Durant, District Secretary