

MINUTES OF MEETING  
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT  
May 18, 2022, 5:30 p.m.

President Sheldon called to order the May 18, 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

**EMPLOYEE OF THE QUARTER AWARD**

The Board presented the Employee of the Quarter Award to Scientist Julio Polenco.

**VISITOR PARTICIPATION**

Poseidon Water representative Scott Maloni advised that the Coastal Commission denied their permit bringing an end to the desalination project. He thanked the Board and staff for their hard work over the past two decades.

Yorba Linda Water District (YLWD) Director Brooke Jones invited the Board to the YLWD PFAS Treatment Facility Dedication on May 23 at 10:00 a.m.

**CONSENT CALENDAR**

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

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

1. Approval of Cash Disbursements

MOTION NO. 22-41  
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of April 14, 2022 through May 11, 2022 in the total amount of \$19,817,237.48 is ratified and approved.

2. Approval of Minutes of Board of Directors Meetings

MOTION NO. 22-42  
APPROVING MINUTES OF BOARD OF DIRECTORS MEETING

The Minutes of the Board of Directors meeting held March 16, 2022 and April 6, 2022 are hereby approved as presented.

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

RESOLUTION NO. 22-5-55  
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. Amendment to Agreement with Tetra Tech for Santiago Pump Station Modifications Project Design and Construction Support Services
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RESOLUTION NO. 22-5-56  
 AUTHORIZING AMENDMENT TO AGREEMENT  
 WITH TETRA TECH FOR SANTIAGO PUMP STATION MODIFICATIONS PROJECT  
 DESIGN AND CONSTRUCTION SUPPORT SERVICES

WHEREAS, pursuant to Resolution No. 18-10-144 adopted October 17, 2018, as subsequently amended, OCWD issued Agreement No. 1336 to Tetra Tech for the Santiago Pump Station Modifications Project design and support services; and

WHEREAS, the Water Issues Committee of this Board has recommended Amendment No. 2 to such Agreement with Tetra Tech for an amount not to exceed \$20,000 for the Santiago Pump Station Modifications Project Design and Construction Support Services;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve issuance of Amendment No. 2 as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

ITEMS RECOMMENDED FOR APPROVAL AT RETIREMENT COMMITTEE MEETING  
HELD APRIL 26, 2022 (ITEM NO. 5)

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

MOTION NO. 22-43

APPROVING ACTIONS IN CONNECTION WITH 457(B) DEFERRED COMPENSATION  
PLAN INVESTMENT LINE-UP REVIEW AND 401(a) RED FLAG FUND REVIEW

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

INVESTMENT FUNDS	SYMBOL	ACTION
<b>457 (B) Portfolio</b>		
Invesco International Diversified Y	OIDYX	Red Flag
Parametric International Equity I	EIISX	Red Flag
Hartford Mid Cap Y	HMDYX	Red Flag
<b>401 (a) Portfolio</b>		
MFS Technology R4	MTCJX	Remove Red Flag

ITEMS RECOMMENDED FOR APPROVAL AT WATER ISSUES COMMITTEE MEETING  
HELD MAY 11, 2022

6. Amendment to Agreement with Environmental Science Association for Additional Construction Monitoring Services for Groundwater Replenishment System Final Expansion Project

RESOLUTION NO. 22-5-57

AUTHORIZING AMENDMENT TO WORK ORDER WITH ENVIRONMENTAL SCIENCE  
ASSOCIATION FOR CONSTRUCTION MONITORING SERVICES  
FOR GWRS FINAL EXPANSION PROJECT

WHEREAS, pursuant to Resolution No. 20-1-8 adopted January 22, 2020, OCWD issued a Work Order to Environmental Science Association (ESA) under Agreement No. 1135 for construction monitoring services for the Groundwater Replenishment System Final Expansion Project in an amount not to exceed \$124,290; and

WHEREAS, the Water Issues Committee of this Board has recommended issuance of an Amendment to such Agreement No. 1135 with Environmental Science Association for construction monitoring services for the Groundwater Replenishment System Final Expansion Project in an amount not to exceed \$59,075; and

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve issuance of an Amendment to Agreement No. 1135 as outlined herein; and upon approval as to form by District General Counsel, its execution by the District officers is authorized.

7. Agreement to Cardno for Removal of Gasoline Underground Storage Tank at Field Headquarters and Categorical Exemption
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RESOLUTION NO. 22-5-58  
APPROVING ISSUANCE OF AGREEMENT TO CARDNO FOR REMOVAL OF  
GASOLINE UNDERGROUND STORAGE TANK AT FIELD HEADQUARTERS AND  
AUTHORIZING FILING OF A CATEGORICAL EXEMPTION

WHEREAS, the District staff has advised that in late 2021, the primary wall of the gasoline underground storage tank located at Field Headquarters was found to not hold pressure indicating a potential leak from the primary or secondary containment tank; and

WHEREAS, in response to a correction notice issued by the Anaheim Fire & Rescue, staff solicited quotes to remove the tank; and

WHEREAS, in connection with such work, the Water Issues Committee has recommended issuance of an Agreement to Cardno for removal of the aforementioned gasoline underground storage tank for an amount not to exceed \$71,281; and

WHEREAS, the Water Issues Committee of this Board has recommended establishment of a budget for such project in the amount of \$75,000, and filing of a Categorical Exemption for the Removal of Gasoline Underground Storage Tank in compliance with the California Environmental Quality Act (CEQA) guidelines;

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

Section 1: Issuance of an Agreement is authorized to Cardno for Removal of Gasoline Underground Storage Tank as outlined herein.

Section 2: In accordance with the California Environmental Quality Act (CEQA) guidelines filing of a Categorical Exemption for the Removal of Gasoline Underground Storage Tank is authorized.

Section 3: A project budget for the budget for the Removal of Gasoline Underground Storage Tank is hereby established in the amount of \$75,000.

8. Amendment to Agreement with Aqueous Vets for PFAS Treatment Pressure Vessel Systems

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RESOLUTION NO. 22-5-59  
APPROVING AMENDMENT TO AGREEMENT WITH AQUEOUS VETS FOR PFAS  
TREATMENT PRESSURE VESSEL SYSTEMS PURCHASE

WHEREAS, pursuant to Resolution No. 20-5-56 adopted May 6, 2020, as subsequently amended, OCWD authorized issuance of Agreement No. 1422 to Aqueous Vets for the purchase of PFAS treatment pressure vessel systems; and

WHEREAS, the Water Issues Committee of this Board has recommended issuance of Amendment No. 6 to such Agreement with Aqueous Vets for an amount not to exceed \$34,142 to account for the city of Placentia sales tax rate of 8.75% where the Yorba Linda Water District (YLWD) PFAS treatment plant is located;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve issuance of Amendment No. 6 to Agreement No. 1423 with Aqueous Vets as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

9. Amendment No. 6 to Agreement with AECOM for Consulting Services for North Basin Remedial Investigation and Feasibility Study (RI/FS)

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RESOLUTION NO. 22-5-60  
APPROVING AMENDMENT TO AGREEMENT WITH AECOM FOR ADDITIONAL  
CONSULTING SERVICES FOR NORTH BASIN REMEDIAL  
INVESTIGATION/FEASIBILITY STUDY

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

WHEREAS; the Water Issues Committee of this Board has recommended issuance of Amendment No. 6 to such Agreement in an amount not to exceed \$188,000 for additional consulting work to respond to Environmental Protection Agency (EPA) and state agency comments and requests;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve issuance of Amendment No. 4 to Agreement No. 1189 with AECOM as outlined herein; and, upon approval as to form by General Counsel, its execution by the District officers is authorized.

10. Purchase Order to Microtech Scientific for Thermo Scientific High Performance Chromatography Refrigerator TSX5005CA
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RESOLUTION NO. 22-5-61  
AUTHORIZING PURCHASE ORDER TO MICROTECH SCIENTIFIC FOR THERMO SCIENTIFIC HIGH PERFORMANCE CHROMATOGRAPHY REFRIGERATOR

RESOLVED, that issuance of a Purchase Order is authorized to Microtech Scientific in the amount of \$12,204 for purchase of Thermo Scientific TSX5005CA Refrigerator for use in the Philip L. Anthony Water Quality Laboratory.

11. Purchase Orders to AB Sciex LLC and Agilent Technologies for Multi-Year Service Support Agreements to Cover Lab Gas and Liquid Chromatograph / Mass Spectrometers

RESOLUTION NO. 22-5-62  
AUTHORIZING PURCHASE ORDERS TO AB SCIEX LLC AND AGILENT TECHNOLOGIES FOR MULTI-YEAR SERVICE SUPPORT AGREEMENTS TO COVER LAB GAS AND LIQUID CHROMATOGRAPH / MASS SPECTROMETERS

RESOLVED, that issuance of the following Purchase Orders is hereby authorized:

- 1) SCIEX in the amount of \$70,000 for support service agreements for FY22-23, up to \$150,000 for FY23-24, and up to \$155,000 for FY24-25; and
- 2) Agilent Technologies in the amount up to \$97,000 for support service agreements for FY22-23, up to \$90,000 each for FY23-24, FY24-25, FY25-26, and FY26-27

12. Recycled Water Conveyance Improvement Project: Engineer's Report and CEQA

RESOLUTION NO. 22-5-63  
ADOPTING FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE OCWD RECYCLED WATER CONVEYANCE IMPROVEMENT PROJECT

WHEREAS, The Orange County Water District (OCWD) owns and operates a network of groundwater recharge basins in Orange County including Burriss Basin in the City of Anaheim; and

WHEREAS, OCWD has produced recycled water at the Groundwater Replenishment System (GWRS) water purification plant in the City of Fountain Valley since 2008; and

WHEREAS, OCWD operates an existing pipeline that conveys recycled water from the GWRS facility to existing groundwater recharge basins in the City of Anaheim; and

WHEREAS, OCWD occasionally conveys recycled water to the Carbon Creek Diversion Channel in order to accommodate the maintenance of recharge facilities; and

WHEREAS, OCWD staff determined that the installation of a pipeline turnout facility and related improvements to convey recycled water from the existing pipeline to Burris Basin in the city of Anaheim and the modification of OCWD's release protocol to Carbon Creek Diversion Channel is necessary to maximize OCWD's GWRS performance and optimize basin maintenance; and

WHEREAS, an Engineer's Report for the proposed turnout facilities has been completed; and

WHEREAS, staff requests approval of the Engineer's Report for the project; and

WHEREAS, the OCWD staff has undertaken preparation of an Initial Study/Mitigated Negative Declaration in accordance with guidelines, established under Article VI of the California Environmental Quality Act (CEQA) Cal. Admin. Code Section 15000, et. seq., on the potential environmental impacts associated with the construction and operation of the OCWD Recycled Water Conveyance Improvement Project; and

WHEREAS, such Initial Study/Mitigated Negative Declaration has determined that with the incorporation of mitigation measures, potentially significant impacts to the environment would be reduced to a level that would be less than significant; and

WHEREAS, the Initial Study/Mitigated Negative Declaration was circulated for public review between January 20, 2022 and February 21, 2022; and

WHEREAS, OCWD received no public or agency comments on the Initial Study/Mitigated Negative Declaration; and

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

Section 1: The Board of Directors does hereby find that:

- i) The Initial Study identifies potentially significant effects to the environment, but (A) mitigation measures proposed by the District have been incorporated into the project which would avoid the effect or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (B) there is no substantial evidence, in light of the whole record before the lead agency, that the project, with mitigation measures, may have a significant effect on the environment;
- ii) The Initial Study/Mitigated Negative Declaration reflects the independent judgment and analysis of the Board of Directors of the District, as the lead agency for the project; and
- iii) Prior to approving the pipeline turnout facilities to Burris Basin and the modification of OCWD's recycled water discharge protocol to Carbon Creek Diversion Channel, the Board of Directors of the District has considered the Initial Study/Mitigated Negative Declaration.



Section 2: The Final Initial Study/Mitigated Negative Declaration and associated Mitigated Monitoring and Reporting Program for the OCWD Recycled Water Conveyance Improvement Project are hereby certified.

Section 3: The Engineer's Report the OCWD Recycled Water Conveyance Improvement Project is hereby approved.

Section 4: Staff is authorized and directed to file a Notice of Determination.

Section 5: Staff is authorized to complete the regulatory permitting process with the applicable resource agencies.

ITEMS RECOMMENDED FOR APPROVAL AT ADMINISTRATION AND FINANCE  
ISSUES COMMITTEE MEETING HELD MAY 12, 2022

13. Monthly Cash Control Report

MOTION NO. 22-44  
RECEIVING AND FILING THE MONTHLY CASH CONTROL REPORTS

The Summary Cash and Cash Equivalents Control Reports dated April 30, 2022 are hereby received and filed.

14. Investment Portfolio Holdings Reports

MOTION NO. 22-45  
RECEIVING AND FILING THE INVESTMENT PORTFOLIO HOLDINGS REPORTS

The Investment Portfolio Holdings Reports dated April 30, 2022 are hereby received and filed.

15. Purchase of Three Replacement Breakers for Green Acres Project Treatment Facilities

RESOLUTION NO. 22-5-64  
AUTHORIZING PURCHASE ORDER TO GRAYBAR FOR THREE REPLACEMENT  
BREAKERS FOR GREEN ACRES PROJECT TREATMENT FACILITIES

RESOLVED, that issuance of a Purchase Order to Graybar in the amount of \$85,000 is authorized for three electrical breakers to replace failed components in the Green Acres Project electrical facilities.

16. Additional Funds for Electrical Energy Operating Costs for GWRS

MOTION NO. 22-46  
AUTHORIZING ADDITIONAL FUND TO WATER PRODUCTION GENERAL FUND FOR  
ELECTRICAL UTILITIES

Additional funds in the amount of \$6,335,263 is authorized to the Water Production General Fund account line item 1050.54505 for electrical utilities for GWRS.

17. Agreement for Purchase of Microfiltration Membrane Modules

RESOLUTION NO. 22-5-65  
APPROVING AGREEMENT WITH MEMCOR/DUPONT WATER SOLUTIONS FOR  
PURCHASE OF GWRS MICROFILTRATION MEMBRANE MODULES

RESOLVED, that issuance of an agreement with Memcor/Dupont Water Solutions is authorized for an amount not to exceed \$12,024,199 for the purchase of 10,944 polypropylene and 684 polyvinylidene fluoride microfiltration membrane modules required for the GWRS.

18. Purchase Order to Liftoff, LLC for Microsoft Office 365 Subscription Licenses Renewal

RESOLUTION NO. 22-5-66  
AUTHORIZING ISSUANCE OF PURCHASE ORDERS TO LIFTOFF LLC AND  
MICROSOFT CORPORATION FOR MICROSOFT OFFICE 365  
SUBSCRIPTION LICENSE RENEWALS

RESOLVED, that issuance of a Purchase Order to Liftoff LLC is authorized in an amount not to exceed \$69,061 for renewal of the Microsoft Office 365 Subscription License; and the General Manager is authorized to execute corresponding agreements with Liftoff, LLC and Microsoft Corporation to renew the District's Microsoft annual software subscription licenses and provide related Microsoft services commencing August 1, 2022; and two additional annual renewals not to exceed 5% increase per year are authorized.

19. Pension Plan Audit Reports for OCWD 401(A) Money Purchase Retirement Plan and 457(B) Deferred Compensation Plan

MOTION NO. 22-47  
RECEIVING AND FILING PENSION PLAN AUDIT REPORTS FOR 401(A) MONEY  
PURCHASE PLAN AND 457(B) DEFERRED COMPENSATION PLAN

The 401(a) Money Purchase Plan Audit Report and the 457(b) Deferred Compensation Plan Audit Report prepared by CliftonLarsonAllen LLP for the period ending December 31, 2021 are hereby received and filed.

20. Budget to Actual Report for Third Quarter FY 2021–22

MOTION NO. 22-48  
RECEIVING AND FILING BUDGET TO ACTUAL REPORT FOR THIRD QUARTER  
OF FY 2021-22

The Budget to Actual Report for the Third Quarter of Fiscal Year 2021-22 ending March 31, 2022 is hereby received and filed.

INFORMATIONAL ITEMS

21. 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.

22. Water Resources Summary

There was no discussion of this item.

23. Santa Ana Watershed Project Authority Commission Activities

Director Whitaker updated the Board on recent SAWPA activities. Director Rowe noted that the city of Santa Ana agreed to donate \$10,000 to the weather modification cloud seeding pilot program.

24. Committee/Conference/Meeting Reports

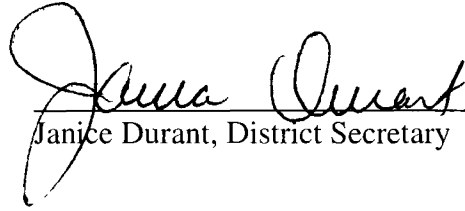
Apr 26 Retirement Committee  
Apr 27 Joint Planning Committee  
May 11 Water Issues Committee  
May 12 Administration and Finance Issues Committee

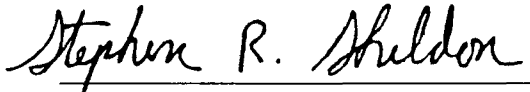
24. Verbal Reports

Director Green reported on her attendance at the JPIA meeting in Sacramento on May 2, 2022. Directors Green and Yoh reported on their attendance at the ACWA Spring Conference on May 3-5.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:00 p.m.

  
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Janice Durant, District Secretary

  
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Stephen R. Sheldon, President