

MINUTES OF MEETING  
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT  
June 5, 2019, 5:30 p.m.

President Sarmiento called to order the June 5, 2019 regular meeting of the Orange County Water District Board of Directors at 5:30 p.m. in the Boardroom at the District office. Following the Pledge of Allegiance to the Flag, the District Secretary called the roll and reported a quorum as follows.

Directors

Denis Bilodeau  
Jordan Brandman  
Cathy Green  
Dina Nguyen  
Kelly Rowe  
Vicente Sarmiento  
Stephen Sheldon  
Tri Ta  
Roger Yoh  
Ahmad Zahra

Staff

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

VISITOR PARTICIPATION

Mesa Water District (Mesa) Director Jim Fisler requested Board support for his election to the Orange County Local Agency Formation Commission (LAFCO). Mesa Director Fred Bockmiller and Mesa General Manager Paul Schoenburger urged Board support for Jim Fisler's election to LAFCO.

CONSENT CALENDAR

President Sarmiento requested the removal of Item No. 5 from tonight's Agenda. The balance of the Consent Calendar was approved upon motion by Director Green, seconded by Director Brandman and carried [10-0], with the following partial abstention: Director Brandman Item No. 1, *Cash Disbursements*, items related to 1) *Butier Engineering* due to prior business relationship, 2) *Orange County Conservation Corps* due to the Levine Act, and 3) *Sage Crest Environmental* due to the Levine Act.

Ayes: Bilodeau, Brandman, Green, Rowe, Nguyen, Sarmiento, Sheldon, Ta, Yoh, Zahra

Abstain: Brandman - partial on Item No. 1

1. Approval of Cash Disbursements

MOTION NO. 19-84  
APPROVING CASH DISBURSEMENTS

Payment of bills for the period May 16, 2019 through May 29, 2019 in the total amount of \$4,259,414.81 is ratified and approved.

2. Approval of Minutes of Board Meeting

MOTION NO. 19-85  
APPROVING MINUTES OF BOARD MEETING

The minutes of the Board of Directors meeting held April 17, 2019 are approved as presented.

3. OCWD Tour and Outreach Support

RESOLUTION NO. 19-6-73  
APPROVING AGREEMENT WITH KW COMMUNICATIONS TO SUPPORT OCWD TOUR  
AND OUTREACH PROGRAM

RESOLVED, that issuance of an agreement is authorized to KW Communications to support OCWD's tour and outreach program for an amount not to exceed \$56,810; and, upon approval as to form, its execution by the District officers is authorized.

4. Nomination of Cathy Green as ACWA Region 10 Vice Chair

RESOLUTION NO. 19-6-74  
PLACING IN NOMINATION CATHY GREEN  
AS A MEMBER OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES  
REGION 10 VICE CHAIR

WHEREAS, the Board of Directors of the Orange County Water District does encourage and support the participation of its members in the affairs of the Association of California Water Agencies (ACWA); and

WHEREAS, Orange County Water District Director Cathy Green is currently serving as Chair for ACWA Region 10; and

WHEREAS, Cathy Green has indicated a desire to serve as Vice Chair or Board member of ACWA Region 10;

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

Section 1: The Orange County Water District does hereby place its full and unreserved support in the nomination of Cathy Green for the position of ACWA Region 10 Vice Chair or Board member.

Section 2: The Orange County Water District does hereby determine that the expenses attendant with the service of Cathy Green in ACWA Region 10 shall be borne by the Orange County Water District.

5. Declaration of Qualification to Vote for OC LAFCO Special District Member Seats

This item was removed from tonight's Agenda and considered after the Consent Calendar.

6. Resolution of Appointment of SAWPA Commissioner and Alternate Commissioner

RESOLUTION NO. 19-6-75  
APPOINTING DENIS BILODEAU AS  
COMMISSIONER AND DINA NGUYEN AS ALTERNATE COMMISSIONER  
ON THE SANTA ANA WATERSHED PROJECT AUTHORITY

RESOLVED, that Denis Bilodeau is hereby appointed as Commissioner, and Dina Nguyen is appointed as Alternate Commissioner of the Santa Ana Watershed Project Authority effective April 3, 2019.

7. Agreement with Avocet Environmental for Prado Basin Sediment Demonstration Project Sampling and Analytical Testing

RESOLUTION NO. 19-6-76  
AUTHORIZING AGREEMENT WITH AVOCET ENVIRONMENTAL, INC. FOR  
PRADO BASIN SEDIMENT DEMONSTRATION PROJECT SAMPLING  
AND ANALYTICAL TESTING

RESOLVED, that issuance of an Agreement with Avocet Environmental, Inc. is authorized in an amount not to exceed \$25,109 for sediment sampling and analytical testing prior to starting work on Contract No. PB-2019-1, Prado Basin Sediment Demonstration Project Vegetation Removal; and, upon approval as to form, its execution by the District officers is authorized.

ITEM REMOVED FROM CONSENT CALENDAR FOR CONSIDERATION

5. Declaration of Qualification to Vote for OC LAFCO Special District Member Seats

President Sarmiento requested additional time to consider this item. The Board then deferred the item to a later date.

MOTION NO. 19-86  
DEFERRING CONSIDERATION OF DECLARATION OF QUALIFICATION TO VOTE FOR  
OC LAFCO SPECIAL DISTRICT MEMBER SEATS

Upon motion by Director Sarmiento, seconded by Director Ta and carried, consideration of the Declaration of Qualification to Vote for the Orange County Local Agency Formation Commission (LAFCO) Special District Member seats is hereby deferred to a future Board meeting.

Ayes: Bilodeau, Brandman, Green, Rowe, Nguyen, Sarmiento, Sheldon, Ta, Yoh, Zahra

MATTERS FOR CONSIDERATION

8. Selection of Locally Preferred Plan for Prado Basin Feasibility Study

Executive Director Greg Woodside recalled that the District is working with the Army Corps of Engineers on the Prado Basin Feasibility Study which is evaluating increased water conservation and ecosystem restoration. He stated the draft Report for the Feasibility Study includes a Draft Environmental Impact Report, which was released for public comment in February. Mr. Woodside advised that the Feasibility Study includes three alternatives, which have varying levels of ecosystem restoration, and that each alternative includes permanently increasing the flood season water conservation elevation behind Prado Dam from 498 feet to 505 feet. He recommended OCWD select Plan 9 as the locally Preferred Plan for the Feasibility Study which contains the minimal amount of ecosystem restoration measures to meet the Corps planning objectives.

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

RESOLUTION NO. 19-6-77  
SELECTING THE LOCALLY PREFERRED PLAN FOR PRADO BASIN FEASIBILITY  
STUDY; AND AUTHORIZING AMENDMENT NO. 3 TO AGREEMENT WITH  
RUTH VILLALOBOS AND ASSOCIATES

WHEREAS, pursuant to Resolution No. 12-3-28 adopted March 21, 2012, OCWD approved an Agreement with the Department of the Army for the Prado Basin, California Study (Feasibility Study) for the evaluation of water conservation and ecosystem restoration opportunities in Prado Basin; and

WHEREAS, pursuant to Resolution No. 16-6-79 adopted June 15, 2016, as amended, OCWD authorized Agreement No.1170 to Ruth Villalobos and Associates for support of such Prado Basin Feasibility Study; and

WHEREAS, the District staff has advised that the Feasibility Study includes three alternatives which contain varying levels of ecosystem restoration, and that each of the alternatives includes permanently increasing the flood season water conservation elevation behind Prado Dam from 498 feet to 505 feet; and

WHEREAS, staff has recommended OCWD select Plan 9 as the locally Preferred Plan for the Feasibility Study which contains the minimal amount of ecosystem restoration measures to meet the Corps planning objectives; and

WHEREAS, staff has further recommended issuance of Amendment No. 3 to such agreement with Ruth Villalobos and Associates for a cost not to exceed \$50,000 to support preparation of the final Feasibility Study report;

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

Section 1: Staff is directed to notify the United States Army Corps of Engineers that the District has identified Plan 9 as the Locally Preferred Plan for the Prado Basin Feasibility Study.

Section 2: Amendment No. 3 to Agreement No. 1170 with Ruth Villalobos and Associates is authorized as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

9. IRWM Program: Approval of Cooperative Agreement in the Santa Ana Funding Area

Mr. Woodside reported that Orange County stakeholders and SAWPA have held multiple discussions regarding the Integrated Regional Water Management (IRWM) Plan and the allocation of grant funding in the Santa Ana Funding Area. At its March 20, 2019 meeting, he recalled that the Board directed staff to accept a proposal to allocate 30% of available IRWM grant funds for Orange County projects, with 60% for upper watershed projects and 10% for watershed wide projects; and directed staff to return to the Board with a proposed agreement to the Board for consideration. He presented the proposed final agreement between SAWPA, OCWD, the County of Orange, and OCSD.

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

RESOLUTION NO. 19-6-78  
APPROVING COOPERATIVE AGREEMENT FOR INTEGRATED REGIONAL WATER  
MANAGEMENT FUNDING IN THE SANTA ANA FUNDING AREA WITH SAWPA,  
COUNTY OF ORANGE, AND ORANGE COUNTY SANITATION DISTRICT

WHEREAS, pursuant to Motion No. 19-48 adopted March 20, 2018, OCWD authorized acceptance of a proposal to allocate 30% of available Integrated Regional Water Management IRWM grant funds for Orange County projects, with 60% for upper watershed projects and 10% for watershed wide projects; and authorized preparation of an Agreement with the Santa Ana Watershed Project Authority (SAWPA), the County of Orange and the Orange County Sanitation District (OCSD) Regarding Allocation of Proposition 1 Integrated Regional Water Management Program Grant Funds; and

WHEREAS, in this regard, the District staff has presented, and recommended approval of such Agreement titled, "Cooperative Agreement for Integrated Regional Water Management Funding in the Santa Ana Funding Area" with SAWPA, the County of Orange, and OCSD;

NOW, THEREFORE, the Board of Directors of the Orange County Water does hereby approve the Cooperative Agreement for Integrated Regional Water Management Funding in the Santa Ana Funding Area as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

INFORMATIONAL ITEMS

10. Santa Ana Watershed Project Authority Activities

Director Bilodeau provided a brief update on SAWPA activities.

11. Committee/Conference/Meeting Reports

The following Directors reported on their attendance at the OC Water Summit on May 31: Brandman, Green, Rowe, Sheldon, Ta, and Yoh.

12. VERBAL REPORTS

General Manager Markus updated the Board on discussions regarding PFAS action levels.

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 6:48 p.m. as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

[Government Code Section 54956.9(a)] – 1 case:

*OCWD v. Sabic Innovative plastics, LLC, et al* (South Basin Litigation) Superior Court Case No. 03CC 00078246

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 7:48 p.m. whereupon General Counsel Jungreis announced that the Board took the following action in Closed Session by a vote of 9-0.

RESOLUTION NO. CS-19-6-1

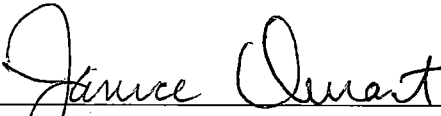
APPROVING SETTLEMENT IN THE SOUTH BASIN LITIGATION WITH STEELCASE IN THE AMOUNT OF \$1,929,500, WITH THOSE FUNDS TO BE USED AT AN OFFSITE LOCATION APPROVED BY STEELCASE SUBJECT TO A GOOD FAITH DETERMINATION BY THE TRIAL COURT.


Ayes: Bilodeau, Brandman, Green, Nguyen, Rowe, Sarmiento, Sheldon, Ta, Zahra,

Absent: Yoh

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 7:48 p.m.

  
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Janice Durant, District Secretary

  
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Vicente Sarmiento, President