

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

President Sheldon called to order the July 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  
Gloria Ma'ae  
Dina Nguyen (absent)  
Kelly Rowe  
Stephen Sheldon  
Tri Ta  
Bruce Whitaker  
Roger Yoh

Staff

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

CONSENT CALENDAR

At the request of Director Rowe, staff was directed to agendaize Item No. 3, Continuation of Virtual/Teleconference Meetings, for consideration at the July 20 Board meeting. The Consent Calendar was then approved upon motion by Director Whitaker, seconded by Director Rowe and carried [9-0] as follows, with Director Bilodeau abstaining on Item No. 7, *License Agreement with Anaheim Adventure Park*, pursuant to Government Code Section 84308.

Ayes: Bilodeau, Green, Ma'ae, Mendoza, Rowe, Sheldon, Ta, Whitaker, Yoh

Abstain: Bilodeau, Item No. 7

Absent: Nguyen

1. Approval of Cash Disbursements

MOTION NO. 22-62  
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of June 9, 2022 through June 29, 2022 in the total amount of \$13,889,999.01 is ratified and approved.

2. Approval of Minutes of Board of Directors Meetings

MOTION NO. 22-63  
APPROVING MINUTES OF BOARD OF DIRECTORS MEETING

The Minutes of the Board of Directors meeting held May 18, 2022 are hereby approved as presented.

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

RESOLUTION NO. 22-7-86  
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. City of Anaheim Appointment of Gloria Ma'ae to OCWD Board

MOTION NO. 22-64  
DECLARING GLORIA MA'AE DULY APPOINTED

The Certificate of Appointment of Gloria Ma'ae by the city of Anaheim is received and filed and she is declared a duly appointed member of the OCWD Board representing Division 9 (City of Anaheim) for a term ending December 6, 2024.

5. Updated Board Committee and Outside Agency Assignments

MOTION NO. 22-65  
RATIFYING UPDATED BOARD COMMITTEE AND OUTSIDE AGENCY ASSIGNMENTS

The updated Board Committee and Outside Agency assignments as recommended by the Board President are hereby ratified.

6. Budget Increase for Yorba Linda Water District PFAS Water Treatment Plant

MOTION NO. 22-66  
APPROVING BUDGET INCREASE FOR YORBA LINDA WATER DISTRICT  
PFAS WATER TREATMENT PLANT

A budget increase of \$100,000 is hereby authorized for the Yorba Linda Water District PFAS Water Treatment Plant, for a total project budget of \$27.8 million.

7. License Agreement with Anaheim Adventure Park, LLC (Aquapark) for Additional Parking at Anaheim Lake

RESOLUTION NO. 22-7-87  
APPROVING LICENSE AGREEMENT WITH ANAHEIM ADVENTURE PARK, LLC (AQUAPARK) FOR ADDITIONAL PARKING AT ANAHEIM LAKE

WHEREAS, pursuant to Resolution No. CS-12-19-1 adopted December 18, 2019, OCWD authorized a Lease Agreement with Anaheim Adventure Park, LLC for operation of an Aquapark at Miraloma Basin in Anaheim; and

WHEREAS, the District staff has recommended approval of a License Agreement with Anaheim Adventure Park, LLC to allow the use of the parking lot at OCWD's Anaheim Lake property for additional parking for Aquapark's visitors, when necessary, through October 31, 2023, with a waiver of the standard license fee of \$1,148;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve the License Agreement with Anaheim Adventure Park, LLC as outlined herein; and, upon approval as to form and content by District General Counsel, its execution by the District officers is authorized.

MATTER FOR CONSIDERATION

8. Orange County Grand Jury Report "Water in Orange County Needs One Voice"

Executive Director John Kennedy reviewed the findings of the Orange County Grand Jury released a report on June 22, 2022, recommending the consolidation of OCWD and the Municipal Water District of Orange County (MWDOC) to best serve the needs of the rate payers and provide Orange County with "one water voice." He noted that OCWD needs to formally respond to the Grand Jury's official findings and recommendations by September 20, 2022, and stated staff would reach out to the Groundwater Producers and the South County agencies for their input on a merger and return to the Board with the findings at the August 17 Board meeting.

MOTION NO. 22-67  
DIRECTING STAFF TO TAKE CERTAIN ACTIONS WITH REGARD TO THE ORANGE COUNTY GRAND JURY REPORT "WATER IN ORANGE COUNTY NEEDS ONE VOICE"

Upon motion by Director Green, seconded by Director Rowe and carried [9-0] staff is directed to reach out to stakeholders for their input on the Orange County Grand Jury report released June 22, 2022, and prepare responses to such report for Board consideration at the August 17, 2022 Board meeting.

Ayes: Bilodeau, Green, Ma'ae, Mendoza, Rowe, Sheldon, Ta, Whitaker, Yoh  
Absent: Nguyen

INFORMATIONAL ITEMS

9. Committee/Conference/Meeting Reports

There were no Committee/Conference/Meeting reports given.

10. Verbal Reports

There were no verbal reports given.

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 5:55 p.m. follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –  
[Government Code Section 54956.9(a)] – One case:  
OCWD v. 3M Company Superior Court Case No.: 30-2020-01172419-CU-PL-CXC

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (General Manager)  
[Government Code Section 54957]

RECONVENE IN OPEN SESSION

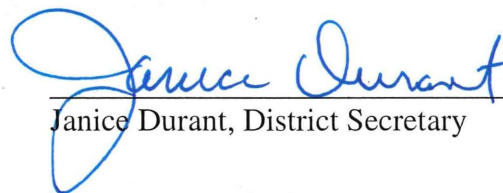
The Board reconvened in Open Session at 7:10 p.m. whereupon General Counsel Jeremy Jungreis advised that no reportable action took place in Closed Session.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:10 p.m.



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Stephen R. Sheldon, President



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Janice Durant, District Secretary

