

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
August 16, 2023, 5:30 p.m.

President Green called to order the August 16, 2023 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. Public access was also provided via Zoom webinar.

Directors

Valerie Amezcua
Denis Bilodeau
Cathy Green
Dina Nguyen
Natalie Meeks
Kelly Rowe
Stephen Sheldon (absent)
Van Tran (absent)
Bruce Whitaker
Roger Yoh

Staff

Michael R. Markus, General Manager
John Kennedy, Executive Director
Jeremy Jungreis, General Counsel
Christina Fuller, District Secretary

VISITOR PARTICIPATION

OC LAFCO Commissioner James Fisler provided an update on OC LAFCO’s FY23-24 Budget, meeting schedule and incoming Commissioners.

1. Public Hearing Director’s Compensation

President Green opened the Public Hearing to consider adoption of an Ordinance increasing the Directors’ compensation from \$315 to \$330.75 per day of service, up to a maximum of ten days per month, commencing 60 days from the adoption of the Ordinance. General Manager Mike Markus explained that California Water Code Section 20200, *et seq.*, allows water districts to enact ordinances to increase the amount of compensation that may be received by members of the Board for each day of attendance at meetings of the Board and for each day of service rendered as a member of and by the request of the Board, by an amount not to exceed five percent (5%) for each calendar year following the operative date of the last adjustment of compensation, for up to ten days in any calendar month. Director Bilodeau noted that the Board took no compensation increase last year. President Green called for public comment. There being no persons wishing to address the Board, President Green then closed the public hearing and the following action was taken.

Upon motion by Director Bilodeau, seconded by Director Rowe, the following Ordinance was adopted [8-0].

Ayes: Amezcua, Bilodeau, Green, Meeks, Nguyen, Rowe, Whitaker, Yoh
Absent: Sheldon, Tran

ORDINANCE NO. 2023-01
AN ORDINANCE OF THE ORANGE COUNTY WATER DISTRICT
ESTABLISHING COMPENSATION FOR DIRECTORS OF THE DISTRICT

WHEREAS, since August 2021, the compensation authorized to be paid to a District Director has been fixed at \$315 for attendance at meetings of the Board of Directors and for each day's service rendered as a member of the Board of Directors; and

WHEREAS, California Water Code section 20200, *et seq.*, provides that water agency governing boards may authorize increases in the rate of compensation for directors, in amount not to exceed 5% for each calendar year following the operative date of the last compensation adjustment, if the action is taken by ordinance following the conduct of a public hearing; and

WHEREAS, on July 19, 2023, the Board authorized publication of a notice of public hearing as required by Water Code section 20203 and Government Code section 6066, to be held on August 16, 2023 to consider increasing District Directors' compensation from \$315 to \$330.75 for attendance at meetings of the Board of Directors and for each day of service on behalf of the District; and

WHEREAS, on August 16, 2023, the Board of Directors conducted the duly noticed public hearing for the proposed Directors' compensation adjustment and considered all the evidence and testimony presented at that public hearing.

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

Section 1: Each member of the Board of Directors of the District is hereby authorized to receive compensation in the amount of \$330.75 for each meeting of the Board of Directors attended by that Director, and for each day of service rendered as a Director of the District, other than attending meetings of the Board of Directors, that is authorized, directed and approved by the Board of Directors.

Section 2: Each member of the Board of Directors of the District is hereby authorized to receive compensation for no more than a total of ten (10) days in any calendar month,

Section 3: Pursuant to Water Code section 20204, this ordinance shall become effective on, October 16, 2023, which is the 60th day from the date of final passage of this ordinance.

CONSENT CALENDAR

The Consent Calendar was then approved upon motion by Director Whitaker, seconded by Director Rowe and carried [8-0] as follows.

Ayes: Amezcua, Bilodeau, Green, Meeks, Nguyen, Rowe, Whitaker, Yoh
Absent: Sheldon, Tran

2. Approval of Cash Disbursements

MOTION NO. 23-89
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of July 3, 2023 through August 9, 2023 in the total amount of \$19,119,275.08 is ratified and approved.

3. Minutes of Board of Directors Meetings held July 19 and August 2, 2023

MOTION NO. 23-90
APPROVING MINUTES OF BOARD OF DIRECTORS MEETINGS

The Minutes of the Board of Directors meeting held July 19 and August 2, 2023 are hereby approved as presented.

4. Nomination of John Kennedy to Succeed Mike Markus on the Santa Ana River Watermaster

RESOLUTION NO. 23-8-98
NOMINATING JOHN KENNEDY AS ONE OF OCWD'S REPRESENTATIVES
ON THE SANTA ANA RIVER WATERMASTER COMMITTEE

WHEREAS the Judgment in the case of Orange County Water District v. City of Chino, et al, Case No. 117628, in the Superior Court of the State of California for the County of Orange, and establishes a Watermaster for the administration and enforcement of such Judgment; and

WHEREAS, the Watermaster consists of a Committee composed of five persons, representing the parties to the Judgment, and Orange County Water District (hereinafter "District" or "OCWD") has the right to nominate two representatives to the Watermaster Committee; and

WHEREAS, Roy Herndon, Chief Hydrogeologist of OCWD, has served as one of its Watermaster representatives since 2011; and

WHEREAS, Mike Markus, General Manager of OCWD, has served as one of its Watermaster representatives since 2010; and

WHEREAS, Mr. Markus will retire as General Manager of OCWD in January, 2024, and it is the desire of the Board of Directors that the District's Executive Director of Engineering and Water Resources, John Kennedy, be appointed as one of its representatives to succeed Mike Markus on the Watermaster Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF OCWD that the District does hereby nominate John Kennedy to serve as one of its two representatives on the Watermaster Committee in the above referenced case.

BE IT FURTHER RESOLVED that the District's counsel shall file and serve the necessary documents, and undertake the necessary Court proceedings, to seek Mr. Kennedy's appointment as one of OCWD's representatives on the Watermaster Committee, to serve at the pleasure of and until further order of the Court.

ITEMS RECOMMENDED FOR APPROVAL AT PROPERTY MANAGEMENT COMMITTEE MEETING HELD JULY 28

5. Amendment to Anaheim Regional Transportation Intermodal Center (ARTIC) Wellsite Lease with City of Anaheim to Install Camera

RESOLUTION NO. 23-8-99

AUTHORIZING THE GENERAL MANAGER TO NEGOTIATE AND EXECUTE AMENDMENT WITH CITY OF ANAHEIM TO ALLOW OCWD TO INSTALL AND OPERATE A CAMERA AND APPURTENANT EQUIPMENT AT ARTIC

WHEREAS, the Property Management Committee of this Board has recommended authorizing the execution of an Easement Deed with the City of Anaheim for electrical cabling, site access and maintenance of power facilities at Miraloma Basin;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby authorize the General Manager to negotiate and execute Amendment One to Lease with City of Anaheim to allow OCWD to install and operate a camera and appurtenant equipment at the Anaheim Regional Transportation Intermodal Center (ARTIC) to monitor the water flow in the Santa Ana River.

6. Amendment to Cooperative Agreement Extension with Property Owner for Access to Monitoring Well MW-3

RESOLUTION NO. 23-8-100

APPROVING AMENDEMENT TO COOPERATIVE AGREEMENT WITH GHOLAM HOSSEIN SADAGHIANI FOR CONTINUED MONITORING OF WELL MW-3

WHEREAS, in 2004, the District completed a no-cost Cooperative agreement with the property owner, CT Storage-Fullerton LLC (CT Storage), to access/monitor two of the five monitoring wells located at the Former Moore Business Forms site in the North Basin area.

WHEREAS, the following year, the Agreement was assigned from CT Storage to Mr. Gholam Hossein Sadaghiani, assuming all of the rights and obligations under the Agreement.

WHEREAS, staff has continued to monitor MW-3 as it provides useful data regarding the nature and extent of the regional volatile organic compound plume in the North Basin area.

WHEREAS, the Property Management Committee of this Board has recommended the Board approve Amendment One to the Agreement with the current property owner, extending the agreement 20 years at no cost, for the continued access and monitoring of MW-3.

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby authorize

approval of Amendment One to Cooperative Agreement with Mr. Gholam Hossein Sadaghiani to extend the agreement an additional 20 years at no cost for continued monitoring of MW-3; and upon approval as to form by District General Counsel, its execution by the District officers is authorized.

ITEMS RECOMMENDED FOR APPROVAL AT COMMUNICATIONS AND LEGISLATIVE LIAISON COMMITTEE MEETING HELD AUGUST 3

7. Children’s Water Education Festival Location And Contract Approval

RESOLUTION NO. 23-8-101
APPROVING 2024 CHILDREN’S WATER EDUCATION FESTIVAL LOCATION AND SERVICE CONTRACTS

WHEREAS, OCWD has participated in the Children’s Water Education Festival since 1998; and

WHEREAS, the Communication and Legislative Liaison Committee of this Board has recommended continued participation in such Festival for 2024, and has recommended execution of contracts accordingly;

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

Section 1: The hosting of the 2024 Children’s Water Education Festival at the University of California, Irvine (UCI) on March 27-28, 2024 is authorized.

Section 2: The Agreement with UCI is authorized for an amount not to exceed \$85,700 to host the 2024 Children’s Water Education Festival on its campus, and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

Section 3: The Agreement with James Event Productions, Inc. is authorized to provide rentals, event planning, and logistical support and services and execution of the event for an amount not to exceed \$124,200; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

ITEMS RECOMMENDED FOR APPROVAL AT WATER ISSUES COMMITTEE MEETING HELD AUGUST 9

8. Amendment No. 6 to Agreement with Evoqua for PFAS Treatment Pressure Vessel Systems and Establish Project Budget

RESOLUTION NO. 23-8-102
AUTHORIZING AMENDMENT NO. 6 TO AGREEMENT WITH EVOQUA FOR PFAS TREATMENT PRESSURE VESSEL SYSTEMS AND ESTABLISHING PROJECT BUDGET

WHEREAS, pursuant to Resolution No. 20-5-56 adopted May 6, 2020, OCWD issued Agreement No. 1423 to Evoqua for PFAS Treatment Pressure Vessel Systems; and

WHEREAS, the Water Issues Committee of this Board has recommended issuance of Amendment No. 6 to such Agreement for additional costs related to vessel systems for Golden State Water Company's Sherrill Well for an amount not to exceed \$376,350.

WHEREAS, the Water Issues Committee of this Board has further recommended establishing a total project budget of \$2,500,000.

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

9. Logic Controller, User Interface, and Data Logging Systems Upgrades for Microfiltration (MF) and Reverse Osmosis (RO) Pilots

RESOLUTION NO. 23-8-103

AUTHORIZING ISSUANCE OF AGREEMENT TO KDC SYSTEMS FOR MF AND RO PILOTS' PLC, HMI, AND DATA LOGGING SYSTEM UPGRADES

RESOLVED, that issuance of an Agreement is authorized to KDC Systems in the amount of \$157,860 for MF and RO pilots' PLC, HMI, and data logging system upgrades; and upon approval as to form by District General Counsel, its execution by the District officers is authorized.

10. Agreement to Separation Processes Inc. for Technical Support on the GWRS Microfiltration and Reverse Osmosis Operations (MF/RO)

RESOLUTION NO. 23-8-104

AUTHORIZING ISSUANCE OF AGREEMENT TO SEPARATION PROCESSES FOR CONSULTING SERVICES FOR GWRS MF/RO MEMBRANE PROCESSES

RESOLVED, that issuance of an Agreement is authorized to Separation Processes Inc. for an amount not to exceed \$125,000 to provide consulting services on a time and material basis for the GWRS microfiltration/reverse osmosis (MF/RO) membrane processes through August 31, 2024; and upon approval as to form by District General Counsel, its execution by the District officers is authorized.

11. Agreement to Falcon Services for Aboveground Gasoline Storage Tank at Field Headquarters and Categorical Exemption

RESOLUTION NO. 23-8-105

AUTHORIZING ISSUANCE OF AGREEMENT TO FALCON SERVICES & CONSTRUCTION, INC. FOR INSTALLATION OF ABOVEGROUND GASOLINE STORAGE TANK AND AUTHORIZING FILING OF A CATEGORICAL EXEMPTION

WHEREAS, the 2,500 gallon underground gasoline storage tank located at Field Headquarters was removed in 2022 following a failed pressure test in late 2021; and

WHEREAS, a 1,000 gallon aboveground tank replacement has been determined to meet the District's needs while having less stringent regulatory compliance measures than an underground tank; and

WHEREAS, in connection with such work, the Water Issues Committee has recommended issuance of an Agreement to Falcon Services & Construction, Inc. for installation of aboveground gasoline storage tank for an amount not to exceed \$97,569; and

WHEREAS, the Water Issues Committee of this Board has recommended establishment of a budget for such project in the amount of \$120,000, and filing of a Categorical Exemption for the installation of aboveground Gasoline 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 Falcon Services & Construction, Inc. for Installation of Aboveground Gasoline Storage Tank as outlined herein.

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

Section 3: A project budget for the Aboveground Gasoline Storage Tank is hereby established in the amount of \$120,000.

12. Amendment to Agreement with Aqueous Vets for Pressure Vessel Systems Tubing Modification

RESOLUTION NO. 23-8-106

APPROVING AMENDMENT TO AGREEMENT WITH AQUEOUS VETS FOR PFAS TREATMENT PRESSURE VESSEL SYSTEMS TUBING MODIFICATION

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.7 to such Agreement with Aqueous Vets for an amount not to exceed \$3,264 to include differential pressure (DP) tubing modifications to measure DP across each of the vessels in the train at Golden State Water Company (GSWC) PFAS treatment at two sites;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve issuance of Amendment No. 7 to Agreement No. 1422 with Aqueous Vets as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

13. Purchase Order to Agilent Technologies for Gas Chromatograph / Mass Spectrometer (GC/MS)

RESOLUTION NO. 23-8-107
AUTHORIZING PURCHASE ORDER TO AGILENT TECHNOLOGIES FOR ONE GAS
CHROMATOGRAPH / MASS SPECTROMETER (GC/MS) FOR THE ADVANCED WATER
QUALITY ASSURANCE LABORATORY

RESOLVED, that issuance of a Purchase Order to Agilent Technologies is authorized for the total amount of \$126,198 for one Agilent 8890 Gas Chromatograph coupled with a 5977C Single Quadrupole (SQ) Mass Spectrometer and stainless steel ion source.

14. Purchase Order to Thermo Scientific for Multi-Year Service Support Agreement to Cover Lab IC and Autotrace Instruments

RESOLUTION NO. 23-8-108
AUTHORIZING PURCHASE ORDER TO THERMO SCIENTIFIC FOR MULTI-YEAR SERVICE
SUPPORT AGREEMENTS

RESOLVED, that issuance of a Purchase Order to Thermo Scientific is authorized in the amount of \$84,837 for support service agreements for FY23-24, up to \$74,081 for FY24-25, and up to \$73,659 for FY25-26.

15. Limited Term Employment Request for Senior Engineer

RESOLUTION NO. 23-8-109
AUTHORIZING ADVERTISEMENT OF A THREE YEAR LIMITED-TERM EMPLOYMENT FOR A
SENIOR ENGINEER

RESOLVED, that issuance of an advertisement for a three year Limited-Term Employment for a Senior Engineer is hereby authorized.

16. Agreement with Hazen for a Sunset Gap Seawater Intrusion Barrier Feasibility Study

RESOLUTION NO. 23-8-110
AUTHORIZING ISSUANCE OF AGREEMENT TO HAZEN FOR A SUNSET GAP SEAWATER
INTRUSION BARRIER FEASIBILITY STUDY

RESOLVED, that issuance of an Agreement is authorized to Hazen for an amount not to exceed \$412,457 for a Sunset Gap Seawater Intrusion Barrier Feasibility Study; and upon approval as to form by District General Counsel, its execution by the District officers is authorized.

17. Response to Orange County Grand Jury Report – Historic Rain, Yet Drought Remains

MOTION NO. 23-91
AUTHORIZING TRANSMITTAL OF THE DISTRICT’S RESPONSE TO THE GRAND JURY
REPORT – HISTORIC RAIN, YET DROUGHT REMAINS

Transmittal of the District’s response to the Orange County Grand Jury Report – Historic Rain, Yet Drought Remains is hereby authorized.

ITEMS RECOMMENDED FOR APPROVAL AT ADMINISTRATION FINANCE COMMITTEE
MEETING HELD AUGUST 10

18. Monthly Cash Control Report

MOTION NO. 23-92
RECEIVING AND FILING THE MONTHLY CASH CONTROL REPORTS

The Summary Cash and Cash Equivalents Control Reports dated July 31, 2023 are hereby received and filed.

19. Investment Portfolio Holdings Reports

MOTION NO. 23-93
RECEIVING AND FILING INVESTMENT PORTFOLIO HOLDINGS REPORTS

The Investment Portfolio Holdings Reports dated July 31, 2023 are hereby received and filed.

20. Purchase Reverse Osmosis Membrane Cleaning Chemicals from American Water Chemicals, Inc

RESOLUTION NO. 23-8-111
AUTHORIZING ISSUANCE OF PURCHASE ORDER TO AMERICAN WATER CHEMICALS, INC.
FOR PURCHASE OF RO MEMBRANE CLEANING CHEMICAL

RESOLVED, that issuance of a Purchase Order is authorized to American Water Chemicals Inc. for \$111,290 for purchase of 31,200 pounds of AWC C-227 RO membrane cleaning chemical.

21. Purchase Order to Tevora for Arctic Wolf Cybersecurity Services

RESOLUTION NO. 23-8-112
APPROVING PURCHASE ORDER TO TEVORA FOR CYBERSECURITY SERVICES

RESOLVED, that issuance of a Purchase Order is authorized to Tevora, a value-added reseller for Arctic Wolf, in an amount not to exceed \$71,108 to renew the District’s cybersecurity services for a one-year period commencing on August 30, 2023, and for two additional annual renewals not to exceed 8% increase per year.

22. Ultraviolet Light (UV) Equipment Supply

RESOLUTION NO. 23-8-113
AUTHORIZING PURCHASE ORDER TO TROJAN TECHNOLOGIES
GROUP ULC FOR UV LAMPS

RESOLVED, that issuance of Purchase Order is authorized to Trojan Technologies Group ULC for the purchase of 2,160 UV lamps in the amount of \$ 516,359, including freight.

23. Actuarial Valuation of Retiree Medical Insurance Benefit Plan

MOTION NO. 23-94
RECEIVING AND FILING OCWD ACTUARIAL REPORT

The Orange County Water District actuarial report dated June 30, 2023, with a measurement date as of June 30, 2022, is hereby received and filed.

INFORMATIONAL ITEMS

24. UC Irvine CDC PFAS Multi-Site Health Study

Dr. Scott Bartell, the lead investigator and professor in the UC Irvine Program in Public Health, provided a status update of the study on a local population exposed to per- and polyfluoroalkyl substances (PFAS) via the drinking water supply.

25. Bond Update

Orange County Water District's state legislative consultant, Jason Gonsalves, provided an update on the four proposed state bond bills, including the outlook on the inclusion of OCWD's funding priorities for PFAS clean-up and the Sunset Gap Barrier Project in any potential state bond. The Association of California Water Agencies (ACWA) Deputy Executive Director Cindy Tuck provided an update on efforts for funding for water priorities in any upcoming bond measure. General Manager Mike Markus advised that this item would be added to the next Board meeting agenda as a matter for consideration.

26. Water Resources Summary

There was no discussion of this item.

27. 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.

July 28 -	Property Management Committee
August 03 -	Communication and Legislative Liaison Committee
August 09 -	Water Issues Committee
August 10 -	Administration and Finance Issues Committee

28. Verbal Reports

President Green reported that she attended an ACWA Region 1 underground geyser tour.

Director Rowe advised that he attended Metropolitan Water District’s Committee meetings this week.

29. RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 6:45 p.m.as follows:

- CONFERENCE WITH LEGAL COUNSEL – PUBLIC EMPLOYEE APPOINTMENT, GENERAL MANAGER – [Government Code Section 54957(b)]

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session whereupon General Counsel Jungreis advised that there were no reportable items.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:35 p.m.

DocuSigned by:

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 Christina Fuller, District Secretary

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 9/21/2023
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 Cathy Green, President