

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
August 21, 2019, 5:30 p.m.

President Sarmiento called to order the August 21, 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 (absent)
Jordan Brandman
Cathy Green
Dina Nguyen
Kelly Rowe
Vicente Sarmiento
Stephen Sheldon (arrived 5:45 p.m.)
Tri Ta
Roger Yoh
Ahmad Zahra

Staff

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

VISITOR PARTICIPATION

There were no persons wishing to address the Board on items not on tonight's Agenda.

CONSENT CALENDAR

Item No. 5, *State Legislative Update*, was removed from the Consent Calendar and considered later in tonight's meeting. The balance of the Consent Calendar was approved upon motion by Director Zahra, seconded by Director Rowe and carried [7-0], with the following abstentions by Director Brandman:

Item No. 1, *Cash Disbursements – Southern California Gas Company* to the Levine Act; and Item No. 10, *Agreement to Orange County Conservation Corps*, due to a current business relationship.

Ayes: Brandman, Green, Rowe, Sarmiento, Ta, Yoh, Zahra

Absent: Bilodeau Nguyen, Sheldon

Abstain: Brandman – partial abstention on Item No. 1

Brandman – full abstention on Item and 10

1. Approval of Cash Disbursements

MOTION NO. 19-112
APPROVING CASH DISBURSEMENTS

Payment of bills for the period August 1, 2019 through August 14, 2019 in the total amount of \$12,203,114.02 is ratified and approved.

2. Resolution Recognizing 10-Year Anniversary of OC Chapter of WateReuse California

RESOLUTION 19-8-112
RECOGNIZING THE 10-YEAR ANNIVERSARY OF
THE ORANGE COUNTY CHAPTER OF WATEREUSE CALIFORNIA

WHEREAS, increased potable water supplies and reliability via a diverse water portfolio are critical for the residents and businesses in California to support a thriving economy and to mitigate current and future water supply challenges; and

WHEREAS, water recycling represents one of the best potable water conservation strategies as it is an abundant, safe, and reliable supply. The potential for water recycling is tremendous. In California, more than 417 billion gallons of treated effluent is discharged into the Pacific Ocean or a coastal bay annually; and

WHEREAS, the State of California, in 2015, determined that recycled water use had reached approximately 714,000 acre-feet per year; and

WHEREAS, the State of California has established a goal to increase water recycling to 1.5 million acre-feet per year by 2020 and to 2.5 million acre-feet per year by 2030; and

WHEREAS, water recycling supports the Governor's executive order to develop a comprehensive strategy to build a climate-resilient water system; and

WHEREAS, the WateReuse Association is a national organization whose mission is to advance laws, policy and funding to increase water reuse; and

WHEREAS, WateReuse California has played a critical role in advancing the use of recycled water through its vision, leadership, and advocacy which benefits all Californians as well as the nation; and

WHEREAS, the chapters of WateReuse California play an important role in their respective regions by hosting meetings, sharing information, collaborating on regional matters, and connecting stakeholders on initiatives of common interest; and

WHEREAS, Orange County, which includes 0.6% of the state's land area and 8% of the state's population, is home to fifteen water recycling agencies, numerous professional firms, and thousands of recycled water customers that worked together to recycle 155,000 acre-feet in 2018 which represents more than 20% of the state-wide use of recycled water; and

WHEREAS, the Orange County chapter of WateReuse California was officially formed on August 21, 2009.

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby recognize the 10th anniversary of the formation of the Orange County Chapter of WateReuse California and the contributions the Orange County Chapter has made toward a more sustainable, environmentally friendly, and self-reliant region.

3. Agreement with Quality Sheds for PFAS Pilot Testing Housing Structure

RESOLUTION NO. 19-8-113
 APPROVING AGREEMENT WITH QUALITY SHEDS FOR PFAS PILOT TESTING
 HOUSING STRUCTURE

RESOLVED, that issuance of an Agreement to Quality Sheds is authorized for an amount not to exceed \$25,850 for a PFAS Pilot Testing Housing Structure; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

4. Resolution Honoring Irv Pickler, In Memoriam

RESOLUTION NO. 19-8-114
 HONORING IRV PICKLER, IN MEMORIAM, FOR HIS DEDICATED SERVICE TO OCWD,
 FOR BRINGING TOGETHER COMMUNITIES OF ORANGE COUNTY AND FOR
 ADVANCING WATER REUSE

WHEREAS, the Orange County Water District (OCWD; the District) and the city of Anaheim lost a knowledgeable, experienced visionary and diligent and enthusiastic community leader on July 17, 2019 with the death of Irv Pickler; and,

WHEREAS, Irv was very knowledgeable about the complexities of groundwater management, creating new water supplies and sustaining local and state water supplies. His expertise was invaluable to the District as the Division 9 Board member, representing the city of Anaheim from 1992-1995, 1996-2002 and 2007-2012. He was instrumental in bringing Anaheim and OCWD together to create Anaheim Coves at Burris Basin. As a Director, Irv Pickler also represented OCWD as its President from 1998-2000 and served as Chairman of the Joint Cooperative Committee for the Groundwater Replenishment System, the world's largest water purification facility of its kind which produces 100 million gallons per day of high-quality water, for nearly 850,000 Orange County residents; and

WHEREAS, Irv was an active community and civic leader in Orange County for nearly five decades. He served as a member of the Anaheim Unified School District Board as well as a member of the Orange County Planning Commission from 1979 through 1981, where he oversaw critical stages in Orange County's urban growth and development; and

WHEREAS, Irv served on the Anaheim City Council for more than 12 years from 1982 to 1994. As a member of the city council, Irv was instrumental in building the Anaheim Pond, now called the Honda Center, helped oversee the expansion of the Anaheim Convention Center, and spear-headed the charge to beautify Harbor Boulevard and Katella Avenue and helped to move the Anaheim power lines underground. He served as the city's Mayor Pro Tem twice; and

WHEREAS, Irv was a committed public servant to numerous agencies and civic organizations, including the Southern California Air Quality Management District, Orange County Cities Airport Authority, Orange County Solid and Hazardous Waste Management Advisory Committee, Orange County Sanitation District, American Heart Association of Orange County, Anaheim Public Library Board, Boys and Girls Club of Anaheim, and the Anaheim City Parks and Recreation Commission. He also served on the Boards of the Anaheim Community Foundation, Orange County

Transportation Authority, Children's Bureau of Orange County, Cypress College Foundation and the Anaheim Family YMCA. As a distinguished tenured member of the Kiwanis Club of Greater Anaheim, the organization twice named Irv Kiwanian of the Year and in 1993 awarded him Distinguished Lieutenant Governor of Southern California; and

WHEREAS, Irv's love of Anaheim was equally-shared by his belated wife of more than sixty-three years, Betty Pickler. Irv and "Betsy", as Irv affectionately called her, first met at a wedding of his relatives in her hometown of Chicago. By Irv's recollection, they were introduced at least ten to fifteen times that evening by their well-meaning friends and family who spotted an undeniably great match from the get-go. Betsy was always by Irv's side also giving unselfishly of her time and talents to all the wonderful organizations of Anaheim. Together, Irv and Betsy raised five beautiful children: Don, Scott, Brad, Marcia and Ellen. They were also blessed with many grandchildren and great grandchildren. While Irv earned so many accolades, including the 2006 Americana Man of the Year Award, and accomplished so much in his distinguished life, Irv always considered his family his greatest achievement that he was most proud of. This love and devotion never wavered and grew stronger as Irv stood by Betsy as she battled Alzheimer's disease during the last ten years of her life. After passing in 2006, Irv continued to be the rock for his family and dedicated much of his time raising funds and advocating for a cure for Alzheimer's; and

WHEREAS, Irv also courageously served his country first during the onset of World War II as a member of the U.S. Army. In 1941, after completing Basic, as well as, Officer Training in Arkansas and Georgia, he quickly earned the rank of 2nd Lieutenant. He shortly thereafter requested a transfer to the Air Force. He was stationed overseas in England and became a bombardier-navigator. He went on to fly thirty-five missions over France and Germany with the 8th Army Air Force and earned the rank of 1st Lieutenant; and

NOW, THEREFORE, BE IT RESOLVED, that Irv Pickler's legacy lies in the profound impact he had on the communities he nurtured throughout his lifelong dedication to public service. The Board of Directors and staff of the Orange County Water District wish to honor their dear friend and colleague and are privileged to have worked with such a consummate professional and community servant. Irv led an exemplary life, dedicated to making his community a better place by bringing together local government, community-based organizations and public agencies to maximize resources and implement much needed community projects. We will greatly miss this Orange County treasure.

ITEMS RECOMMENDED FOR APPROVAL AT COMMUNICATION AND LEGISLATIVE LIAISON COMMITTEE MEETING HELD AUGUST 8

5. Federal Legislative Update

This item was removed from the Consent Calendar and considered later in tonight's meeting.

ITEMS RECOMMENDED FOR APPROVAL AT WATER ISSUES COMMITTEE MEETING
HELD AUGUST 14, 2019

6. Project Funding Subagreement with Yokogawa for Evaluation of Rapid Method for Virus Measurement

RESOLUTION NO. 19-8-115
PROJECT FUNDING SUBAGREEMENT WITH YOKOGAWA FOR EVALUATION OF
RAPID METHOD FOR VIRUS MEASUREMENT

RESOLVED, that issuance of an agreement is authorized with Yokogawa Electric Corporation for receipt of \$25,000 in grant funds from Japan's Ministry of Economy, Trade, and Industry (METI); and, upon approval as to form and content by District General Counsel, its execution by the District officers is authorized, and an increase in the Research & Development Department budget of \$15,000 is authorized for estimated travel expenses, to be subsequently reimbursed from the grant funds.

7. Agreement to Separation Processes Inc. for Technical Support on the GWRS MF/RO

RESOLUTION NO. 19-8-116
APPROVING AGREEMENT TO SEPARATION PROCESSES INC. FOR TECHNICAL
SUPPORT ON THE GWRS MICROFILTRATION AND
REVERSE OSMOSIS OPERATIONS (MF/RO)

RESOLVED, that issuance of an Agreement is authorized to Separation Processes Inc. for an amount not to exceed \$75,000 to provide consulting services on a time and material basis for the GWRS MF/RO membrane processes through August 31, 2020; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

8. Purchase of Two Portable Online Total Organic Carbon Analyzers for GWRS

RESOLUTION NO. 19-8-117
APPROVING PURCHASE ORDER TO SUEZ WTS ANALYTICAL SYSTEMS, INC. FOR
TWO PORTABLE ONLINE TOTAL ORGANIC CARBON ANALYZERS FOR THE GWRS
AND AUTHORIZING SURPLUS OF EXISTING UNITS

RESOLVED, that issuance of a Purchase Order is authorized to Suez WTS Analytical Systems, Inc. in the amount of \$71,805 for two portable Total Organic Carbon analyzers; and surplus and sale of the existing units is authorized.

- 9. Notice of Completion for Contract No. GA-2019-2, 2019 Green Acres Project Appurtenance Rehabilitation (W.A. Rasic Construction Company, Inc.)

RESOLUTION NO. 19-8-118
 ACCEPTING COMPLETION OF CONTRACT NO. GA-2019-2,
 2019 GREEN ACRES PROJECT APPURTENANCE REHABILITATION
 (W.A. RASIC CONSTRUCTION COMPANY, INC.)

WHEREAS, the District staff has submitted its report that W.A. Rasic Construction, Inc. has completed work under Contract No. GA-2019-2, 2019 Green Acres Project Appurtenance Rehabilitation; and

WHEREAS, the District staff has advised of issuance of Change Order No. 1 to W.A. Rasic Construction Company for \$7,025; and

WHEREAS, staff has recommended that the District accept completion of said work and that a Notice of Completion be filed for recordation and the balance of payment be made, pursuant to the terms and conditions of such contract;

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

Section 1: Issuance of Change Order No. 1 is hereby ratified.

Section 2: Work under such Contract is accepted as complete, and the District staff is authorized and directed to execute a Notice of Completion and record said Notice in the Office of the County Recorder.

Section 3: Upon expiration of the interim lien period, providing no liens have been filed, payment of the balance due under such contract shall be made.

- 10. OCWD Continuing Participation in Adopt A Channel Program

RESOLUTION NO. 19-8-119
 APPROVING OCWD CONTINUED PARTICIPATION IN ADOPT A CHANNEL PROGRAM

WHEREAS, pursuant to resolution No. 16-1-3 adopted January 20, 2016, OCWD approved participation in the Orange County Public Works Adopt A Channel Program for a three-year period in a portion of the Santa Ana River channel owned by OCWD and a portion owned by the Orange County Flood Control District where OCWD conducts its recharge operations; and

WHEREAS, the Water Issues Committee of this Board has recommended continued participation in such Program for an additional three-year period; and

WHEREAS, pursuant to such Resolution, OCWD approved Agreement No. 1136 with the Orange County Conservation Corps to conduct graffiti and trash removal in connection with such Adopt A Channel Program through 2019; and

WHEREAS, the Water Issues Committee has recommended renewal of such agreement with the Orange County Conservation Corps for continued graffiti and trash removal services for a three-year period at an annual cost not to exceed \$23,334 and a total cost of not to exceed \$70,002; and

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

Section 1: Continued participation in the Orange County Public Works Adopt A Channel Program is authorized as outlined herein.

Section 2: Amendment No. 1 to Agreement No. 1136 with the Orange County Conservation Corps is authorized as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

11. Limited-Term Employment Agreement for Senior Chemist Recommendation

RESOLUTION NO. 19-8-120
AUTHORIZING RENEWED LIMITED-TERM EMPLOYMENT AGREEMENT
FOR SENIOR CHEMIST ANH-TU LE

WHEREAS, Senior Chemist Anh-Tu Le has been employed by OCWD under a limited term employment agreement since August 16, 2017; and

WHEREAS, the Water Issues Committee of this Board has recommended authorization of a renewed Limited Term Employment Agreement with Senior Chemist Anh-Tu Le for the amount of \$51.00 hour for a one-year period ending August 22, 2019;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve the aforementioned Limited Term Employment Agreement with Anh-Tu Le as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

12. Agreement with NWRI to Administer and Facilitate the 2019 GWRS Independent Advisory Panel Meeting

RESOLUTIONN NO. 19-8-121
APPROVING AGREEMENT WITH NWRI TO ADMINISTER AND FACILITATE THE 2019
GWRS INDEPENDENT ADVISORY PANEL MEETING

RESOLVED, that issuance of an Agreement is authorized to the National Water Research Institute for an amount not to exceed \$44,921 to provide administration and facilitation services for the 2019 GWRS Independent Advisory Panel meeting; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

13. Purchase Order to Quinn Company for a Caterpillar D7E

RESOLUTION NO. 19-8-122
AUTHORIZING ISSUANCE OF PURCHASE ORDER TO QUINN COMPANY FOR
CATERPILLAR D7E BULLDOZER

RESOLVED, that issuance of a Purchase Order is authorized to Quinn Company in the amount of \$797,350 for a Caterpillar D7E Bulldozer; and the surplus and sale of the existing TL-28 bulldozer is authorized.

14. Award Contract No. PB-2019-1, Prado Basin Sediment Management Demonstration Project Vegetation Removal to McNabb Construction, Inc.

RESOLUTION NO. 19-8-123
AWARDING CONTRACT NO. PB-2019-1, PRADO BASIN SEDIMENT MANAGEMENT
DEMONSTRATION PROJECT VEGETATION REMOVAL, TO
MCNABB CONSTRUCTION, INC. DBA DK ENVIRONMENTAL

WHEREAS, a Notice Inviting Bids for Contract No. PB-2019-1, Prado Basin Sediment Management Demonstration Project Vegetation Removal, was published in *The Orange County Register* on July 1, 2019; and

WHEREAS, the following bids were received and opened on July 30, 2019:

| | |
|--|-----------|
| McNabb Construction, Inc dba DK Environmental | \$549,850 |
| T.E. Roberts | \$580,033 |
| Southern California Grading, Inc. | \$759,000 |

WHEREAS, the Water Issues Committee of this Board has recommended award of said contract to the lowest responsive bidder, McNabb Construction, Inc. dba DK Environmental, in the amount of \$549,850;

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

Section 1: The Affidavit of Publication of Notice Inviting Bids for Contract No. PB-2019-1, is received and filed.

Section 2: The lowest responsive bid of McNabb Construction, Inc. dba DK Environmental, in the amount of \$549,850 is accepted and all other bids are rejected.

Section 3: The President or Vice President and General Manager or District Secretary are authorized to execute an Agreement on behalf of the District, in a form heretofore approved by this Board, with McNabb Construction, Inc. dba DK Environmental, pursuant to the terms of its proposal.

Section 4: The District General Counsel or District Secretary is authorized to approve the Performance and Labor and Materials Bonds submitted by said contractor on behalf of the District, provided the bonds comply with the requirements of the bid proposal.

Section 5: The District staff is directed to notify the unsuccessful bidder of the action taken herein and, upon execution of the agreement by the successful bidder, to return to the unsuccessful bidders their Bid Bonds.

15. Purchase Order for Mettler Toledo Analytical Balance for Water Quality Laboratory

RESOLUTION NO. 19-8-124
AUTHORIZING PURCHASE ORDER TO FISHER SCIENTIFIC FOR METTLER TOLEDO
ANALYTICAL BALANCE FOR WATER QUALITY LABORATORY

RESOLVED, that issuance of a Purchase Order is authorized to Fisher Scientific for the amount of \$7,290.90 for a Mettler Toledo analytical balance in the amount of \$7,290.90 required for the Philip L. Anthony Water Quality Laboratory, and surplus and sale of the existing unit is authorized.

16. Talbert Extraction Well Decommissioning and Construction of Replacement Monitoring Well OCWD-M57

RESOLUTION NO. 19-8-125
AUTHORIZING PUBLICATION OF NOTICE INVITING BIDS FOR THE TALBERT
EXTRACTION WELL DECOMMISSIONING AND CONSTRUCTION OF REPLACEMENT
MONITORING WELL OCWD-M57 PROJECT, AND ADOPTING FINAL INITIAL
STUDY/MITIGATED NEGATIVE DECLARATION FOR TALBERT EXTRACTION WELL
DECOMMISSIONING AND CONSTRUCTION OF
REPLACEMENT MONITORING WELL OCWD-M57 PROJECT

WHEREAS, the Orange County Water District (OCWD) owns and operates a network of facilities that are intended to protect the groundwater basin from seawater intrusion along the coastal portions of Orange County; and

WHEREAS, the OCWD constructed seven (7) extraction wells and associated structures and pipelines within the City of Huntington Beach in the 1960s for the purpose of collecting and conveying saline groundwater within the Talbert Gap; and

WHEREAS, the operation of the seven (7) extraction wells and associated structures and pipelines was terminated in 1994 and all components of the system are inactive; and

WHEREAS, the OCWD has identified the need to permanently decommission the extraction wells and associated structures and pipelines; and

WHEREAS, the OCWD has identified the need to install a new monitoring well to be designated OCWD-M57 near the Santa Ana River within a public right-of-way; and

WHEREAS, construction documents for the Talbert Extraction Well Decommissioning and Construction of Replacement Monitoring Well OCWD-M57 Project have been completed and staff has proposed the permanent decommissioning of the extraction wells and associated structures and pipelines as well as the construction of the new monitoring well OCWD-M57; and

WHEREAS, staff requests authorization to issue the Notice Inviting Bids for the construction of the Talbert Extraction Well Decommissioning and Construction of Replacement Monitoring Well OCWD-M57 Project; and

WHEREAS, the staff of the District 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 Talbert Extraction Well Decommissioning and Construction of Replacement Monitoring Well OCWD-M57 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

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 project, the Board of Directors of the District has considered the Initial Study/Mitigated Negative Declaration together with any comments received during the public review process, and any responses to such comments.

Section 2: The Final Initial Study/Mitigated Negative Declaration and associated Mitigated Monitoring and Reporting Program for the Talbert Extraction Well Decommissioning and Construction of Replacement Monitoring Well OCWD-M57 Project are hereby adopted.

Section 3: The request to authorize the destruction of the Talbert Extraction Wells and their associated vaults and pipelines, and construction of replacement monitoring well OCWD-M57 is hereby approved.

Section 4: The request to establish a budget for the Talbert Extraction Well Decommissioning and Construction of Replacement Monitoring Well OCWD-M57 Project of \$1,130,000 is hereby approved.

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

Section 6: Staff is authorized and directed to file a Notice of Determination.

ITEMS RECOMMENDED FOR APPROVAL AT ADMINISTRATION AND FINANCE ISSUES COMMITTEE MEETING HELD AUGUST 15, 2019

17. Monthly Cash Control Report

MOTION NO. 19-113
RECEIVING AND FILING THE SUMMARY CASH AND CASH
EQUIVALENTS CONTROL REPORTS

The Summary Cash and Cash Equivalents Control Reports dated July 31, 2019 is hereby received and filed.

18. Investment Portfolio Holdings Report

MOTION NO. 19-114
RECEIVING AND FILING THE INVESTMENT PORTFOLIO HOLDINGS REPORTS

The Investment Portfolio Holdings Reports dated July 31, 2019 is hereby received and filed.

19. Purchase Order for Ultraviolet Light (UV) Equipment Supply

RESOLUTION NO. 19-8-126
AUTHORIZING ISSUANCE OF PURCHASE ORDER FOR ULTRAVIOLET LIGHT
(UV) EQUIPMENT SUPPLY FOR GWRS

RESOLVED, that issuance of a Purchase Order is authorized to DC Frost Associates (a distributor for Trojan Technologies) in the amount of \$209,382 for 1,080 UV lamps required for the GWRS.

20. Surplus of Equipment, Vehicles, Miscellaneous Furniture and Computer Hardware

MOTION NO. 19-115
AUTHORIZING SURPLUS OF EQUIPMENT, VEHICLES, MISCELLANEOUS FURNITURE
AND COMPUTER HARDWARE

The items on Surplus List as of August 6, 2019 are hereby declared surplus and their sale and disposal thereof is approved.

21. Adoption of Orange County Regional Water and Wastewater Multi- Jurisdictional Hazard Mitigation Plan for 2018

RESOLUTION 19-8-127
 APPROVING AND ADOPTING THE ORANGE COUNTY REGIONAL WATER AND
 WASTEWATER HAZARD MITIGATION PLAN

WHEREAS, the United States Congress passed the Disaster Mitigation Act of 2000 emphasizing the need for pre-disaster mitigation of potential hazards; and

WHEREAS, the Disaster Mitigation Act of 2000 requires all cities, counties and special districts to develop and adopt a Hazard Mitigation Plan (HMP) to be eligible to receive federal grants pertaining to disaster preparedness; and

WHEREAS, Orange County Water District recognizes that the threat from natural hazards poses a risk to water and wastewater utilities and the individuals they serve, and impacts can result in regional economic and public health consequences; and

WHEREAS, by planning for natural and manmade hazards and implementing projects that mitigate risk, utilities can reduce costly damage and improve the reliability of service following a disaster; and

WHEREAS, the Municipal Water District of Orange County, Orange County Water District and 18-other member agencies participated in development of the HMP in conjunction with a consultant; and

WHEREAS, the resources and information within the HMP will allow Orange County Water District and the member agencies to identify and prioritize future mitigation projects, meet the requirements of federal assistance programs and grant applications, and encourage coordination and collaboration in meeting mitigation goals; and

WHEREAS, a Planning Team was formed to participate in the FEMA-prescribed mitigation planning process to prepare the HMP; and

WHEREAS, a public outreach strategy was employed as a required component of developing the HMP, including posting information on member agency websites, email and social media distribution, community survey, and presentations at the Orange County Business Council and Orange County Emergency Management Organization meetings; and

WHEREAS, the HMP was made available for public review from August 10, 2018 to September 10, 2018, and

WHEREAS, on October 15, 2018 the HMP was provided to the California Department of Emergency Services (Cal/OES) for review; and

WHEREAS, the HMP was revised based on Cal/OES feedback and was submitted to the Federal Emergency Management Agency (FEMA) for review on February 20, 2019; and

WHEREAS, the HMP received FEMA Approval Pending Adoption on August 21, 2019 subject to the member agencies adopting resolutions approving and adopting the HMP; and

WHEREAS, the Board of Directors has reviewed the HMP; and

WHEREAS, the HMP identifies and assesses hazards most likely to affect Orange County Water District and provides actions to mitigate them.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Orange County Water District does hereby approve and adopt the Orange County Regional Water and Wastewater Hazard Mitigation Plan (on file at the District office).

22. ACWA Region 10 Election For 2020-2021 Term

MOTION NO. 19-116

CASTING OCWD BALLOT FOR ACWA REGION 10 ELECTION 2020-2021 TERM

OCWD hereby casts its ballot for the Association of California Water Agencies (ACWA) Region 10 Nominating Committee recommended slate of candidates for the for the 2020-21 term.

23. Actuarial Valuation of Retiree Medical Insurance Benefit Plan Update

MOTION 19-117

RECEIVING AND FILING ACTUARIAL VALUATION OF RETIREE MEDICAL
INSURANCE BENEFIT PLAN UPDATE

The Orange County Water District actuarial report dated July 31, 2019 with a measurement date as of June 30, 2018 is hereby received and filed.

Director Nguyen arrived at this point in tonight's meeting.

ITEM REMOVED FROM CONSENT CALENDAR FOR CONSIDERATION

5. Federal Legislative Update

Orange County Coastkeeper Associate Director Ray Heimstra addressed the Board regarding HR 3723 (Levin), the Desalination Development Act. He stated that this bill requires that desalination projects must comply with a state plan in order to qualify for federal funding, and urged the Board to support this bill the way it is written. In addition, Mr. Heimstra pointed out that President Sarmiento forwarded a letter to Governor Newsom regarding the Poseidon Project appearing to put pressure on the regulatory agencies to support the project. He reminded the Board that OCWD committed to an open and transparent process with regard to the Poseidon Project and noted that the letter appears to be a commitment by OCWD to purchase the Poseidon water. For clarification purposes, President Sarmiento stated the letter dated August 8 to Governor Newsom was based upon previous correspondence, and he requested that General Counsel review the letter for disparities.

Upon motion by Director Brandman, seconded by Director Rowe, the following resolution was adopted [8-0]:

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

Absent: Bilodeau, Sheldon

**RESOLUTION NO. 19-8-128
ADOPING POSITION ON FEDERAL LEGISLATION**

The following positions on Federal Legislation are hereby adopted:

| Bill Number | Topic | Recommendation |
|---|--|---|
| H.R. 2500 National Defense Authorization Act: Amendment #48 Congressman Chris Pappas (D-NH) | Revises the list of toxic pollutants under the Federal Water Pollution Control Act to include perfluoroalkyl or polyfluoroalkyl substances (PFAS) | Request Exemption for Water and Wastewater Agencies |
| H.R. 2500 National Defense Authorization Act: Amendment #440 Congresswoman Debbie Dingell (D-MI) | Requires the U.S. Environmental Protection Agency (EPA) to list PFAS chemicals as hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) | Request Exemption for Water and Wastewater Agencies |
| H.R. 2570 Congressman Harley Rouda (D-CA) | PFAS User Fee Act: Imposes a fee system on industrial manufactures of PFAS and authorizes \$2 billion annually to support the cleanup of PFAS contaminated water supplies | Support |
| S. 1932 Senator Cory Gardner (R-CO), and co-authored by Senator Dianne Feinstein (D-CA) | The Drought Resiliency and Water Supply Infrastructure Act: Finances additional water recycling projects, funding for surface and groundwater storage, and desalination projects | Support |
| H.R. 3723 Congressman Mike Levin (D-CA) | The Desalination Development Act: | Support if amended to remove mandate that a desalination project must be consistent with a state plan |

Director Sheldon arrived at this point in tonight's meeting.

INFORMATIONAL ITEMS

24. Potential Concept to Assist Groundwater Producers with Treating Groundwater Supplies to Remove Perfluorooctanic Acid

Yorba Linda Water District (YLWD) President Brook Jones commended OCWD for quickly taking the lead on PFAS issues. He urged the District to hold the upstream agencies responsible for contaminating the Santa Ana River flows. Mr. Jones stated that he believes that the O&M costs to remove PFAS should be the responsibility of OCWD, noting that the Replenishment Assessment paid by the Producers should pay for those projects.

YLWD Director Wayne Miller advised that YLWD has moved ahead without pilot testing to treat its wells. He stated that many issues still need resolution such as who will pay for the treatment costs and interim solutions, as well as ownership and financing issues.

Executive Director John Kennedy advised that staff currently estimates that approximately 71 wells owned and operated by 11 Groundwater Producers could be impacted by the new proposed PFOA response levels. He stated the cost to provide treatment for these 71 wells has been tentatively estimated at \$200 million. Mr. Kennedy stated that staff would recommend hiring a consultant to assess the Producer water systems impacted by PFOA in September 2019. He outlined a new potential program wherein OCWD would provide funding either through grants or other sources to pay for the treatment plants necessary to remove PFOA. He stated the Producers would be responsible for operating and owning their treatment facility for 25 years and to fully support OCWD in any litigation efforts. The Directors noted that numerous questions need to be answered prior to proceeding with a program and Mr. Markus stated that staff would develop a framework of deal points and look at the legal issues. President Sarmiento noted that it would be helpful if the Board were provided with a timeline for moving forward.

25. PFOA And PFOS Update

Mr. Markus stated that staff received a call late today from the Department of Drinking Water wherein they stated they will issue a press release tomorrow announcing the Notification Level and releasing the study used to determine cancer risk. He noted the Response Level would mostly likely be delayed to the November/December time period.

26. Santa Ana Watershed Project Authority Activities

Director Rowe gave a brief report on SAWPA activities.

27. Monthly Water Resources Report

There was no discussion of this item.

28. Committee/Conference/Meeting Reports

The Board reported on the following meetings noting that the Agendas were included in tonight's Board packet.

- August 08 - Communication and Legislative Liaison Committee
- August 14 - Water Issues Committee
- August 15 - Administration and Finance Issues Committee

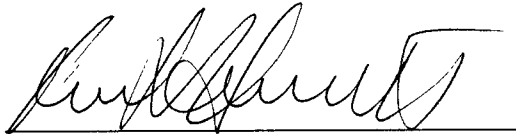
29. VERBAL REPORTS

President Sarmiento reported that he and Directors Green and Brandman attended a meeting with Senator Umberg. He also noted that Congressman Harley Rouda would be attending a PFAS briefing at OCWD tomorrow. General Manager Markus advised that OCWD hosted the Grand Jury yesterday for a tour of GWRS. He also advised that he attended a meeting with the Riverside County Task Force

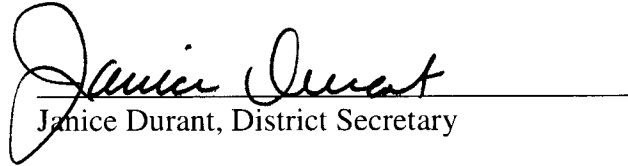
last Friday on PFAS. Director Zahra invited the Board to the Fullerton Community Water Conference on April 24. Director Brandman advised of the Irv Pickler memorial on Saturday at Servite High School in Anaheim.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 6:50 p.m.



Vicente Sarmiento, President



Janice Durant, District Secretary