

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
September 1, 2021, 5:30 p.m.

President Sheldon called to order the September 1, 2021 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 Secretary called the roll and reported a quorum as follows. Due to the Governor's Executive Order N-25-20, 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 (arrived @ 6:05 p.m.)
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

VISITOR PARTICIPATION

There were no visitors wishing to address the Board at tonight's meeting.

CONSENT CALENDAR

Director Rowe requested the removal of Item No. 5, *Phase 2 Prado Basin Monitoring Wells*, from tonight's Consent Calendar. The Balance of the Consent Calendar was then approved upon motion by Director Green, seconded by Director Ta and carried [9-0] with the following abstention by Director Sidhu on Item No. 2, *Minutes*.

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

Abstain: Sidhu – Item No 2, Minutes

Absent: Mendoza

1. Approval of Cash Disbursements

MOTION NO. 21-92
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of August 12, 2021 through August 25, 2021 in the total amount of \$18,669,978.12 is ratified and approved.

2. Approval of Minutes of Board Meetings

MOTION NO. 21-93
APPROVING MINUTES OF BOARD OF DIRECTORS MEETING

The Minutes of the Board of Directors meeting held August 4, 2021 are hereby approved as presented.

3. City of Anaheim Appointment of Harry Sidhu to OCWD Board

MOTION NO. 21-94
DECLARING HARRY SIDHU DULY APPOINTED

The Certificate of Appointment of Harry Sidhu by the city of Anaheim is received and filed and he is declared a duly appointed member of the OCWD Board representing Division 9 (City of Anaheim).

4. 457(b) Matching Contribution – Board Members

RESOLUTION NO. 21-9-126
APPROVING 457(B) DEFERRED COMPENSATION PLAN MATCHING
CONTRIBUTION FOR BOARD MEMBERS

WHEREAS, pursuant to Resolution 21-7-101 adopted July 7, 2021, OCWD entered into a Memorandum of Understanding with the Orange County Employee Association (OCEA) under which the District will provide an employer match to the voluntary 457(b) Deferred Compensation Plan for regular full-time employees of up to \$75 per pay period (\$1,950 annual maximum) for the period of July 1, 2021 through June 30, 2026; and

WHEREAS, the Board of Directors are eligible to participate in such Plan on a voluntary basis and the District staff has recommended that the District provide a match for each Board Member's voluntary contribution to the OCWD Deferred Compensation Plan, up to a maximum of \$162.50 per monthly pay period (\$1950/year) for the period of July 1, 2021 through June 30, 2026;

NOW, THEREFORE, BE IT RESOLVED, that the OCWD Board of Directors are eligible to participate in the 457(b) Deferred Compensation Plan match by OCWD to each Director's voluntary contribution as outlined herein.

5. Phase 2 Prado Basin Monitoring Wells: Award Contract, Filing of Notice of Exemption, General Manager Approval of Agreement with Corps, and Increase Project Budget

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

ITEMS RECOMMENDED FOR APPROVAL AT RETIREMENT COMMITTEE MEETING
HELD AUGUST 24

6. Amendment to 457(B) Plan with Prudential Retirement

RESOLUTION NO. 21-9-127
APPROVING AMENDMENT TO PLAN DOCUMENTATION / ADOPTION AGREEMENT
WITH PRUDENTIAL RETIREMENT
FOR THE 457(B) DEFERRED COMPENSATION PLAN

WHEREAS, pursuant to Resolution No. 10-12-188 adopted December 15, 2010, OCWD selected Prudential Retirement to provide recordkeeping and administrative services to both the District's 401(a) Money Purchase Retirement Plan and for the 457 Deferred Compensation plans; and

WHEREAS, pursuant to Resolution 21-7-101 adopted July 7, 2021, OCWD entered into a Memorandum of Understanding with the Orange County Employee Association (OCEA) under which the District will provide an employer match to the voluntary 457(b) Deferred Compensation Plan for regular full-time employees of up to \$75 per pay period (\$1,950 annual max) for the period of July 1, 2021 through June 30, 2026; and

WHEREAS, Retirement Committee has presented and recommended approval of the Plan Document / Adoption Agreement with Prudential Retirement to reflect the changes outlined herein; and

WHEREAS, the Retirement Committee has presented and recommended approval of the Prudential Retirement Specimen Governmental 457(b) Plan Document and Adoption Agreement;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve the aforementioned Prudential Retirement Specimen Governmental 457(b) Plan Document and Adoption Agreement as outlined herein; and, upon approval as to form by District General Counsel, its execution on behalf of the District by the President or Vice President and General Manager or District Secretary is authorized.

7. Money Purchase Retirement Plan and Deferred Compensation Plan Fund Performance Reviews

MOTION NO. 21-95
RECEIVING AND FILING THE MONEY PURCHASE RETIREMENT PLAN AND
DEFERRED COMPENSATION PLAN FUND PERFORMANCE REVIEWS,
AND APPROVING ACTIONS WITH REGARD TO FUNDS

The 401(a) Money Purchase Retirement Plan investment portfolio and the 457(b) Deferred Compensation Plan investment portfolio; and are hereby received and filed, and the following actions in connection with such Plan Funds are approved:

INVESTMENT FUNDS	SYMBOL	ACTION
457 (B) Portfolio		
American Century Global Gold I	BGEIX	Keep Red Flag
401 (a) Portfolio		
Carillon Scout Mid- Cap R-6	CSMUX	Keep
MFS Technology R4	MTCJX	Keep Red Flag
BNY Mellon Natural Resources I	DLDRX	Remove and Map to FFGIX

8. Prudential Sale of Retirement Plan Recordkeeping Business

MOTION NO. 21-96

DEFERRING DISCUSSION OF THE PRUDENTIAL SALE OF RETIREMENT PLAN
RECORDKEEPING BUSINESS

As recommended by the Retirement Committee, discussion of this item is hereby deferred to the next Retirement Committee meeting

ITEM REMOVED FROM CONSENT CALENDAR FOR CONSIDERATION

5. Phase 2 Prado Basin Monitoring Wells: Award Contract, Filing of Notice of Exemption, General Manager Approval of Agreement with Corps, and Increase Project Budget

Director Rowe noted that the vegetation ecosystem in the vicinity of the Prado Basin area is in distress and questioned whether data shows that the Chino Basin Desalter discharges may be responsible for this decline. Executive Director Greg Woodside stated that OCWD has a groundwater monitoring program it implements together with the Inland Empire Utilities Agency and the Chino Basin Watermaster. He stated OCWD utilizes data from their wells and from OCWD wells. Mr. Woodside stated that due to the extensive area of Prado Basin there is need for additional monitoring wells. He also stated that due to the dry conditions this year the situation needs to be closely monitored.

Upon motion by Director Rowe, seconded by Director Green, the following resolution was adopted [9-0].

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

Absent: Mendoza

RESOLUTION NO. 21-9-128
 AWARDING CONTRACT NO. PB-2021-1, PRADO BASIN PHASE 2 SHALLOW
 MONITORING WELL INSTALLATIONS, TO BC2 ENVIRONMENTAL, AUTHORIZE
 FILING OF NOTICE OF EXEMPTION, AUTHORIZING GENERAL MANAGER TO
 EXECUTE WELL SITE EASEMENT AGREEMENT WITH ARMY CORPS OF
 ENGINEERS, AND AUTHORIZING INCREASE in PROJECT BUDGET

WHEREAS, a Notice Inviting Bids for Contract No. PB -2021-1, Prado Basin Phase 2 Shallow Monitoring Well Installation (which consists of which consists of installation of nine shallow monitoring wells at seven sites), was published in *The Orange County Register* on June 21, 2021; and

WHEREAS, the following bids were received and opened on July 12, 2021:

BC2 Environmental, LLC	\$75,616
ABC Liovin Drilling, Inc.	\$98,632

WHEREAS, after review of such bids, the District staff has recommended award of said Contract to the lowest responsive bidder, BC2 Environmental, LLC, in the amount of \$75,616; and

WHEREAS, staff has advised that seven of the nine aforementioned monitoring wells are located on property owned by the Corps of Engineers, and staff has advised that the Corps is working on preparing an agreement to provide easements and site access to the wells located on its property; and

WHEREAS, District staff has determined that construction of the proposed monitoring wells is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with the “Class 3” exemption for small structures, and has advised that the Corps will prepare and consider separate environmental documentation in order to comply with National Environmental Policy Act (NEPA) requirements for the wells that occur within Corps property; and

WHEREAS, pursuant to Motion No. 21-51 adopted May 19, 2021, a budget of \$115,000 was established for such Project and the District staff has also recommended that such budget be increased to \$117,952 due to unexpected additional costs associated with constructing wells on Corps property;

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-2021-1 is received and filed.

Section 2: The lowest responsive bid of BC2 Environmental, LLC, in the amount of \$75,616 is accepted and all other bids are rejected.

Section 3: Filing of a Notice of Exemption in accordance with the California Environmental Quality Act is authorized.

Section 4: The General Manager to execute agreement with Corps for well site easement and access, subject to approval as to form and content by the District's General Counsel; and,

Section 5: An increased project budget of \$117,952 is hereby established.

INFORMATIONAL ITEMS

Director Mendoza arrived at 6:05 p.m. at this point in tonight's meeting.

9. Status of North Basin Activities by OCWD and EPA

Principal Hydrogeologist Dave Mark along with Environmental Protection Agency Larry Sievers, Remedial Project Manager for the Orange County North Basin Superfund Site, provided an in-depth review of the North Basin Interim and Comprehensive Remedial Investigation and Study being conducted by the District and the EPA.

10. PFAS Update

There was no further PFAS update provided this evening.

11. Committee Reports/Meeting Reports

The Board reported on attendance at the Retirement Committee meeting held August 24, noting the Action Agenda was included in tonight's Board packet.

12. Verbal Reports

President Sheldon reported on a meeting with Congressman Lowenthal yesterday regarding how to address the CIRCLA liability for cleaning up PFAS and the need for economic considerations when the maximum contaminant levels are established. He stated that a discussion took place regarding the potential for having a letter send from the Orange County Congressional Delegation. He also reported on a meeting last week with Congressmember Katie Porter and the Serrano Water District for a tour of the PFAS site and the potential for an exemption for the liability for the PFAS contamination. Director Whitaker also noted that a similar meeting took place Congressmember Young Kim and Michelle Steele and both have voted in support of OCWD's position of these issues.

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 6:35 p.m. as follows:

CONFERENCE WITH LABOR NEGOTIATORS

[Government Code Section 54957.6]

OCWD designated representative: Stephanie Dosier

- ⊙ Employee Organization: Orange County Employee Association: and
- ⊙ Non-Represented Employees (Confidential and Management)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION –

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

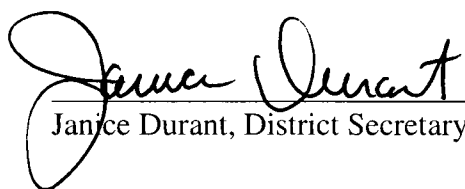
Irvine Ranch Water District v. *OCWD, et al.* - Superior Court Case No. 30-2016
00858584-CUWM-CJC

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 7:12 p.m. whereupon General Counsel Jungreis announced that no reportable action took place in Closed Session.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:12 p.m.



Janice Durant, District Secretary

Stephen R. Sheldon, President