

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
September 16, 2020, 5:30 p.m.

President Sarmiento called to order the September 16, 2020 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 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
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

El Toro Water District Director Mark Monin requested Board support for his election as President of the Independent Districts of Orange County.

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Director Green, seconded by Director Rowe and carried [10-0] as follows, with Director Nguyen abstaining on Item No. 4:

Ayes: Bilodeau, Brandman, Green, Nguyen, Rowe, Sarmiento, Sheldon, Ta, Yoh, Zahra
Abstain: Nguyen (Item No. 4, Amendment to Pheasant Lease to Mike Raahauge's Shooting Enterprises at Prado Basin)

1. Approval of Cash Disbursements

MOTION NO. 20-97
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of August 27, 2020 through September 9, 2020 in the total amount of \$3,593,348.64 is ratified and approved.

2. Approval of Minutes of Board Meeting

MOTION NO. 20-98
APPROVING MINUTES OF BOARD MEETING

The minutes of the Board of Directors meeting held August 19, 2020 are approved as presented.

3. Limited-Term Employment Agreement with NWRI Executive Director

RESOLUTION NO. 20-9-117
RENEWING LIMITED-TERM EMPLOYMENT AGREEMENT WITH NWRI
EXECUTIVE DIRECTOR KEVIN HARDY

WHEREAS, pursuant to Resolution No. 17-4-40 adopted April 5, 2017, OCWD authorized a Limited-term Employment Agreement with Kevin Hardy as Executive Director of the National Water Research Institute, based on an annual salary of \$175,000 for a three-year term commencing April 10, 2017; and

WHEREAS, the District staff has recommended renewal of such Agreement based on an annual salary of \$175,000 for an additional three-year term commencing September 16, 2020;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve renewal of the Agreement with Mr. Hardy as outlined herein, and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

ITEMS RECOMMENDED FOR APPROVAL AT PROPERTY MANAGEMENT
COMMITTEE MEETING HELD AUGUST 28, 2020

4. Amendment to Pheasant Lease to Mike Raahauge’s Shooting Enterprises at Prado Basin

RESOLUTION NO. 20-9-118
APPROVING AMENDMENT TO PHEASANT HUNTING LEASE WITH
ELAINE RAAHAUGE DBA MIKE RAAHAUGE’S SHOOTING ENTERPRISES

WHEREAS, pursuant to Resolution No. 05-11-126 adopted November 2, 2005, and subsequent amendments thereto, the OCWD Board authorized a Lease to Elaine Raahauge d.b.a. Mike Raahauge’s Shooting Enterprises for continued use of certain District Prado lands for operation of a pheasant hunting concession, game bird raising, hunter safety classes, dog kennel operation, caretaker’s trailer, and non-exclusive use of the clubhouse and roads; and

WHEREAS, the Property Management Committee of this Board has presented and recommended approval of Amendment No. 15 to such Lease providing for a one-year extension of the Lease through September 30, 2021, with all other terms and conditions to remain the same;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve the aforementioned Amendment No. 15 to Lease with Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

5. North Orange County Community College District License Agreement for Drone Use

RESOLUTION NO. 20-9-119
APPROVING LICENSE AGREEMENT WITH NORTH ORANGE COUNTY COMMUNITY
COLLEGE DISTRICT FOR DRONE USE ON OCWD PROPERTIES

WHEREAS, the Property Management Committee of this Board has recommended execution of a License Agreement with the North Orange County Community College District to allow Fullerton College Drone Lab students and staff access to District properties for the purpose of drone field training and education, with the standard fee of \$1,148 waived, under the condition that the content and data from approved Licensed Activity shall be provided to OCWD, with all rights to any content or data obtained transferred to OCWD;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve the License Agreement with North Orange County Community College District as described herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

6. Consent to Improvements for Kitchen Facilities at NSM Golf, LLC at the Islands Golf

RESOLUTION NO. 20-9-120
CONSENTING TO IMPROVEMENTS FOR KITCHEN FACILITIES WITH NSM, LLC
AT THE ISLANDS GOLF CENTER

WHEREAS, pursuant to Resolution No. 91-12-284 adopted December 18, 1991, and subsequent amendments thereto, OCWD approved a Lease with Gentry Golf, Inc., dba The Islands Golf Center, L.P., for operation of a golf driving range and related activities at OCWD's Burris Basin through September 30, 2022; and

WHEREAS, pursuant to Resolution No. 20-2-19 adopted February 5, 2020, OCWD consented to the Assignment of Gentry Golf, Inc., D.B.A. The Islands Golf Center Lease to NSM Golf, LLC and

WHEREAS, the Property Management Committee has reviewed a request from NSM to construct kitchen facilities for food sales on the premises and has recommended approval of the Consent to Improvements with NSM Golf at the Island Golf Center;

NOW, THEREFORE, the Orange County Water District does hereby approve the Consent to Improvement Kitchen Facilities as outlined herein; 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 SEPTEMBER 9, 2020

7. Carbon Treatment Building Ramp Replacement Project

MOTION NO. 20-99
APPROVING REQUEST FOR QUOTES FOR CARBON TREATMENT BUILDING
RAMP REPLACEMENT PROJECT

Issuance of a request for quotes is authorized to build a new platform and ramp to provide a safer working area in and around the Carbon Treatment Building.

8. Amendment to Agreement with EVOQUA for Purchase of PFAS Treatment Pressure
Vessel System

RESOLUTION NO. 20-9-121
APPROVING AMENDMENT TO AGREEMENT WITH EVOQUA FOR
PFAS TREATMENT PRESSURE VESSEL SYSTEMS PURCHASE

WHEREAS, pursuant to Resolution No. 20-5-56 adopted May 6, 2020, the OCWD Board approved Agreement No. 1423 with Evoqua for the purchase of 30 PFAS Treatment Pressure Vessel Systems; and

WHEREAS, the Water Issues Committee of this Board has recommended issuance of Amendment No. 1 to such Agreement with Evoqua to increase the PFAS Treatment Vessel System pressure rating of four vessel systems to 150 psi, for an amount not to exceed \$71,840;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby authorize issuance of Amendment No. 1 to such Agreement as described herein; and upon approval as to form by District General Counsel, its execution by the District officers is authorized.

9. Purchase Order to Dupont Water Solutions for Membrane Elements for GWRS RO System

RESOLUTION NO. 20-9-122
APPROVING PURCHASE ORDER TO DUPONT WATER SOLUTIONS FOR MEMBRANE
ELEMENTS FOR GWRS REVERSE OSMOSIS SYSTEM

RESOLVED, that issuance of a Purchase Order is authorized to Dupont Water Solutions for an amount not to exceed \$1,079,500 for 3,175 BW30XFRLE membranes for the GWRS reverse osmosis system.

10. Amendment to Agreement with Kizh Nation Resources Management for Native American Monitoring Services for the Groundwater Replenishment System Final Expansion Project

RESOLUTION NO. 20-9-123
APPROVING AMENDMENT TO AGREEMENT WITH KIZH NATION RESOURCES
MANAGEMENT FOR NATIVE AMERICAN MONITORING SERVICES FOR THE
GROUNDWATER REPLENISHMENT SYSTEM FINAL EXPANSION PROJECT

WHEREAS, pursuant to Resolution No. 20-4-72 adopted April 1, 2020, OCWD entered into an agreement with Kizh Nation Resources Management for Native American Monitoring Services for the Groundwater Replenishment System Final Expansion Project; and

WHEREAS, the Water Issues Committee of this Board has recommended issuance of Amendment No. 1 to such Agreement for continued Native American Monitoring Services for the GWRS Final Expansion Project in an amount not to exceed \$70,000;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby authorize issuance of Amendment No. 1 to such Agreement as described herein; and upon approval as to form by District General Counsel, its execution by the District officers is authorized.

11. Amended OCWD-SAWPA Subgrantee Agreement for the Santa Ana River Conservation and Conjunctive Use Program

RESOLUTION NO. 20-9-124
AUTHORIZING EXECUTION OF AMENDED OCWD-SAWPA SUBGRANTEE
AGREEMENT FOR THE SANTA ANA RIVER CONSERVATION AND
CONJUNCTIVE USE PROGRAM

WHEREAS, the Santa Ana River Conservation and Conjunctive Use Program (SARCCUP) is a multi-faceted Project involving OCWD and the other four Santa Ana Watershed Project Authority (SAWPA) member agencies; and

WHEREAS, pursuant to Resolution No. 19-4-57 adopted April 17, 2019, OCWD considered the Final Environmental Impact Report (State Clearinghouse No. 2016101079) for SARCCUP, approved the OCWD-SAWPA Subgrantee Agreement, and established a project budget and other associated actions; and

WHEREAS, the District staff has advised that the Inland Empire Utilities Agency (IEUA) is currently only participating in the conservation portion of SARCCUP, with provisions to participate in future conjunctive use opportunities; and, as a result of IEUA's limited participation, the program has been modified with a smaller water bank, a schedule extension of two years, and a transfer of nearly \$8M of grant funds from IEUA to OCWD to be passed through to five groundwater producers to assist in constructing new production wells; and

WHEREAS, such program modifications require amending the aforementioned OCWD-SAWPA Subgrantee Agreement; and

WHEREAS, the Water Issues Committee of this Board has reviewed and recommended approval of an Amended OCWD-SAWPA Subgrantee Agreement (Proposition 84 Integrated Regional Water Management 2015 Round Implementation Grant Funding Contract between SAWPA and OCWD) and has recommended filing of a Notice of Determination in accordance with the California Environmental Quality Act Guidelines;

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

Section 1: Amendment No. 1 to the Subgrantee Agreement Proposition 84 Integrated Regional Water Management 2015 Round Implementation Grant Funding Contract between SAWPA and OCWD is approved as described herein; and upon approval as to form by District General Counsel, its execution on behalf of the District by the General Manager is authorized.

Section 2: Filing of a Notice of Determination for such Project is authorized.

ITEMS RECOMMENDED FOR APPROVAL AT ADMINISTRATION AND FINANCE
ISSUES COMMITTEE MEETING HELD SEPTEMBER 10, 2020

12. Monthly Cash Control Report

MOTION NO. 20-100
RECEIVING AND FILING SUMMARY CASH AND
CASH EQUIVALENTS CONTROL REPORTS

The Summary Cash and Cash Equivalents Control Reports dated August 31, 2020 is hereby received and filed.

13. Investment Portfolio Holdings Report

MOTION NO. 20-101
RECEIVING AND FILING INVESTMENT PORTFOLIO HOLDINGS REPORTS

The Investment Portfolio Holdings Reports dated August 31, 2020 is hereby received and filed.

14. Renewing Limited Term Employment Agreement with Environmental Specialist Field Biologist

RESOLUTION NO. 20-9-125
APPROVING AMENDMENT TO LIMITED TERM AGREEMENT WITH
ENVIRONMENTAL SPECIALIST FIELD BIOLOGIST NATALIA DOSHI

WHEREAS, pursuant to Resolution No. 18-11-155 adopted November 7, 2018, OCWD executed a two-year Limited Term Employment Agreement with Environmental Specialist Field Biologist Natalia Doshi for a two-year term commencing November 14, 2018; and

WHEREAS, the Administration and Finance Issues Committee of this Board has presented and recommended approval of Amendment No. 1 to such Limited Term Employment Contract with Natalia Doshi extending the contract for three years and increasing the hourly compensation rate from to \$34.27 on November 18, 2020 and by an additional two percent on November 18, 2021 and November 18, 2022;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve Amendment No. 1 to such Limited Term Employment Agreement as outlined herein; and, upon approval as to form by District General Counsel, its execution by the District officers is authorized.

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

RESOLUTION NO. 20-9-126
APPROVING PURCHASE ORDER TO DC FROST ASSOCIATES FOR
ULTRAVIOLET LIGHT (UV) EQUIPMENT SUPPLY

RESOLVED, that issuance of a Purchase Order is authorized to DC Frost Associates for the purchase of 1,080 UV lamps in the amount of \$209,500.

16. Approach for Signatory Authority for Forms and Agreements Related to Research

RESOLUTION NO. 20-9-127
DESIGNATING SIGNATORY AUTHORITY TO THE GENERAL MANAGER FOR
EXECUTION OF FORMS AND AGREEMENTS RELATED TO
RESEARCH AND DEVELOPMENT

WHEREAS, pursuant to Resolution No. 96-3-52 adopted March 20, 1996 and Resolution No. 02-10-158 adopted October 16, 2002, OCWD adopted signing authority for Professional Services and Purchase Contracts; and

WHEREAS, to conduct collaborative research, the District completes various forms and agreements with different entities such as needed to submit research proposals, test vendor-owned technologies, or receive and disperse grant funds; and

WHEREAS, the Administration and Finance Issues Committee of this Board has recommended the General Manager be authorized to execute via regular or electronic approaches certain routine research-related forms and agreements, such as those related to research grants;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby revise its signatory authority as follows:

Section 1: The General Manager or his/her designee is authorized to execute forms and agreements to enable research in partnership with various organizations to support grants and collaboration either by “wet” signature or by electronic signature.

Section 2: The General Manager or his/her designee is authorized to execute Research and Development (R&D) Department related forms and agreements by “wet” signature or by electronic signature approaches, subject to approval as to form and content by OCWD General Counsel, including non-monetary agreements and monetary agreements up to \$50,000 in which expenses will be reimbursed from external grants, and other forms and agreements associated with R&D Department routine activities.

17. Amendment to Legal Services Agreement with Meyers Fozi Dwork LLP

RESOLUTION NO. 20-9-128
APPROVING AMENDMENT TO LEGAL SERVICES AGREEMENT
WITH MEYERS FOZI DWORK LLP

WHEREAS, pursuant to the signing authority granted to the General Manager, OCWD entered into a Legal Services Agreement with Meyers Fozi, Dwork, LLP to provide legal counsel on employee relations issues and investigations; and

WHEREAS, the Administration and Finance Issues Committee of this Board has recommended the addition of \$40,000 to the Human Resources General Fund budget for personnel related legal costs; and issuance of Amendment No. 1 to Legal Services Agreement with Meyers, Fozi Dwork LLP for an amount not to exceed \$50,000;

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

Section 1: The addition of \$40,000 to the Human Resources General Fund budget for personnel related legal costs is authorized.

Section 2: Issuance of Amendment No. 1 to Legal Services Agreement with Meyers, Fozi Dwork LLP is authorized for an amount not to exceed \$50,000.

18. Budget to Actual Report for Fourth Quarter FY 2019-20

MOTION NO. 20-102
RECEIVING AND FILING BUDGET TO ACTUAL REPORT FOR
FOURTH QUARTER FY 2019-20

The Budget to Actual Report for Fourth Quarter of Fiscal Year 2019-20 ending June 30, 2020 is hereby received and filed.

MATTERS FOR CONSIDERATION

19. Contract No. SWD-2020-1 Serrano PFAS Water Treatment Plant: Engineers Report, RFP for Ix Resin Media, and Notice Inviting Bids

Director of Engineering Chris Olsen reviewed the Engineer’s report for the Serrano PFAS Water Treatment Plant and stated that the final plans and specifications for the treatment plant are nearing completion. Once the final documents are complete, he stated that staff recommends issuing a Notice Inviting Bids for the construction contract and issuing a Request for proposals for purchase of ion exchange resin media.

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

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

RESOLUTION NO. 20-9-129
APPROVING ENGINEER’S REPORT FOR SERRANO WATER DISTRICT PFAS WATER
TREATMENT PLANT PROJECT AND AUTHORIZING PUBLICATION OF RFP TO
PROCURE AND INSTALL ION EXCHANGE RESIN MEDIA AND AUTHORIZING
PUBLICATION OF NOTICE INVITING BIDS FOR CONTRACT NO. SWD-2020-1,
SERRANO PFAS WATER TREATMENT PLANT

WHEREAS, pursuant to Resolution No 20-1-3 adopted January 22, 2020, OCWD authorized issuance of a Request for Quotes to pre-purchase up to 150 PFAS treatment vessels; issuance of a Request for Proposals for on-call consultants to prepare PFAS Treatment System designs; authorized execution of PFAS treatment system professional services agreements for design services with the highest ranked consultants; and established a project design budget of \$10,000,000; and

WHEREAS, the District staff has presented and recommended approval of the Engineer’s Report for the Serrano Water District PFAS Water Treatment Plant Project which consists of construction of two treatment wells to restore the use of groundwater supplies impacted by PFAS contaminants with minimal delay; and

WHEREAS, staff has further recommended publication of a Request for Proposals to Procure and Install Ion Exchange Resin Media for the aforementioned Serrano Water District PFAS Treatment Plant; and

WHEREAS, staff has further recommended publication of a Notice Inviting Bids for Contract No. SWD-2020-1, Serrano PFAS Water Treatment Plant;

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

Section 1: The Engineer's Report for the Serrano Water District PFAS Water Treatment Plant Project is approved and the project is hereby deemed project feasible, necessary and beneficial to the lands of the District;

Section 2: Publication of a Request for Proposals is authorized to Procure and Install Ion Exchange Resin Media for the Serrano Water District PFAS Treatment Plant; and

Section 3: Publication of a Notice Inviting Bids for Contract No. SWD-2020-1, Serrano PFAS Water Treatment Plant is authorized.

20. Building Management Committee per the Amended Agreement and Lease between OCWD and MWDOC

President Sarmiento advised that the original Lease Agreement with the Municipal Water District of Orange County (MWDOC) established a Building Management Committee composed of three OCWD Board members and two MWDOC Board members to meet routinely to coordinate operations. He noted that he was reconvening the Committee to discuss the proposed changes by MWDOC to its administrative building. Mr. Sarmiento noted that the Building Committee would be considered a standing committee and would meet twice a year and other times as needed. It was noted that the Building Management Committee would set its own schedule and would meet annually to establish an O&M budget.

MOTION NO. 20-103
SELECTING DIRECTORS TO SERVE ON THE OCWD / MWDOC BUILDING
MANAGEMENT COMMITTEE

Upon motion by Director Rowe, seconded by Director Sheldon and carried [9-0] Directors Sheldon, Rowe and Yoh are hereby appointed to serve on the OCWD / MWDOC Building Management Committee.

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

Absent: Nguyen

INFORMATIONAL ITEMS

21. PFAS UPDATE

There was no PFAS update given.

22. SANTA ANA WATERSHED PROJECT AUTHORITY ACTIVITIES

Director Rowe advised that SAWPA General Manager Rich Haller was retiring as General Manager due to health problems.

23. WATER RESOURCES SUMMARY

There was no discussion of this item.

24. COMMITTEE/CONFERENCE/MEETING REPORTS

The Board reported on attendance at the following Committee meetings, noting that the Action Agendas were included in tonight's Board packet.

- Aug 29 - Property Management Committee
- Sept 03 - Communication and Legislative Liaison Committee
- Sept 09 - Water Issues Committee
- Sept 10 - Administration and Finance Issues Committee

25. VERBAL REPORTS

President Sarmiento advised that North High School in Irvine provided OCWD with care packages containing PPE for staff.

RECESS TO CLOSED SESSION

The Board adjourned to Closed Session at 6:10 p.m. as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - INITIATION OF LITIGATION [Government Code Section 54956.9(d)(4): One potential case


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-CU-WM-CJC

RECONVENE IN OPEN SESSION

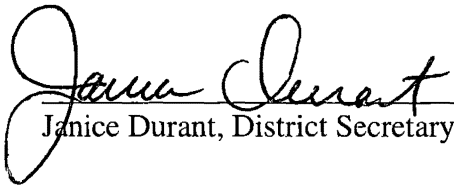
The Board reconvened in Open Session at 6:25 p.m. whereupon General Counsel Jungreis reported that no reportable action took place in Closed Session.

ADJOURNMENT

There being no further business to come before the Board the meeting adjourned at 6:25 p.m.



Vicente Sarmiento, President



Janice Durant, District Secretary