

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
September 2, 2020, 5:30 p.m.

President Sarmiento called to order the September 2, 2020 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. 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, Assistant District Secretary

VISITOR PARTICIPATION

Mr. Glen Brooks advised that the City of Humboldt has excess non-potable water it is looking to sell. He stated that he has asked the City to draft a proposal for the OCWD Board.

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Director Green, seconded by Director Ta and carried [10-0], as follows:

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

1. Approval of Cash Disbursements

MOTION NO. 20-95
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of August 13, 2020 through August 26, 2020 in the total amount of \$29,322,819.38 is ratified and approved.

2. Approval of Minutes of Board Meeting

MOTION NO. 20-96
APPROVING MINUTES OF BOARD MEETING

The minutes of the Board of Directors meeting held August 5, 2020 are approved as presented.

3. License Agreement with MWDOC Consenting to Improvements at 18700 Ward Street, Fountain Valley and Allowing Portions of the Common Areas to be Fenced off to Facilitate Construction

RESOLUTION NO. 20-9-116
APPROVING LICENSE AGREEMENT WITH MWDOC FOR IMPROVEMENTS AT 18700
WARD STREET, FOUNTAIN VALLEY AND ALLOWING PORTIONS OF THE COMMON
AREAS BE FENCED OFF TO FACILITATE CONSTRUCTION

WHEREAS, pursuant to Resolution No. 87-4-54 adopted April 15, 1987, the OCWD Board entered into an Agreement and Lease with the Municipal Water District of Orange County Re Shared Administrative Facilities, for the design, construction, use, and maintenance jointly by OCWD and MWDOC of a new administrative office building adjacent to the existing administrative office building at the OCWD Fountain Valley headquarters; and

WHEREAS, pursuant to such Agreement and Lease, MWDOC has requested a License Agreement to allow portions of the OCWD/MWDOC common areas to be modified and temporarily fenced off to facilitate construction for improvements at its headquarters located at 18700 Ward Street, Fountain Valley; and

WHEREAS, as part of such License Agreement, MWDOC has proposed to construct a new storage room extending from the south building wall from the MWDOC 101 Conference Room onto the MWDOC walkway (adjacent to the courtyard shared by MWDOC and OCWD); along with the necessary mechanical, electrical, plumbing, and restroom upgrades; and

WHEREAS, the Property Management Committee of this Board has expressed concern that the new storage facility would extend onto the campus solely owned by OCWD which might be needed in the future and has suggested that staff and MWDOC look into alternative areas for the storage area; and

WHEREAS, the Property Management Committee of this Board has recommended that the General Manager negotiate and execute a License Agreement with MWDOC for such purposes, with the exception of the proposed outside storage facility which is to be excluded from the License Agreement and with the parking lot Americans with Disabilities (ADA) updates to be completed as soon as possible;

NOW, THEREFORE the Board of Directors of the Orange County Water District does hereby approve a License Agreement with MWDOC as outlined herein; and upon approval as to form by District General Counsel, its execution by the General Manager is authorized.

INFORMATIONAL ITEMS

4. Basin Storage Update for Water Year 2019-20

Principal Engineer Tim Sovich reviewed the basin storage conditions for the water year ending June 2020. He stated that using the “full basin” benchmark for all three aquifer layers in the basin, an accumulated overdraft of 200,000 acre-feet (AF) was calculated as of June 30, 2020; thus, the basin experienced an annual storage increase of 36,000 AF for water year 2019-20. A brief description of the water level change and accumulated overdraft calculation will be presented to the Committee.

5. OCWD/Mesa Water District Consumer Confidence Report Video

OCWD Public Affairs Director Gina Ayala advised that OCWD partnered with Mesa Water District to create a consumer confidence video to highlight the investment in water facilities. The video was played for the Board. She noted that staff has reached out to the Groundwater Producers and offered to produce similar videos.

6. PFAS Update

Mr. Markus advised that staff is still awaiting testing orders.

7. Santa Ana Watershed Project Authorities Activities

Director Rowe gave a brief update on SAWPA activities noting that the Commission discussed the impacts of the homeless population on water quality.

VERBAL REPORTS

Mr. Markus advised that the EPA has formally listed the North Basin on its Superfund list. He indicated a formal report would be provided at the upcoming Water Issues Committee meeting and advised that EPA Administrator Andrew Wheeler, would be at OCWD tomorrow and will make a statement on OCWDs WIFEA loan.

Director Green advised that she virtually attended the Urban Water Conference on August 19. Director Ta advised that he attended his City Council meeting.

RECESS TO CLOSED SESSION

The Board adjourned to Closed Session at 6:15 p.m. as follows:

OCWD v. Sabic Innovative Plastics, LLC, et al (South Basin Litigation)
Superior Court Case No. 03CC 00078246

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 7:00 p.m. whereupon General Counsel Jeremy Jungreis announced that the Board took the following action in Closed Session by a vote of 6-3:

CS-R20-9-1
APPROVING SETTLEMENT IN THE CASE OF OCWD v. SABIC INNOVATIVE PLASTICS, LLC,
ET AL, (SOUTH BASIN LITIGATION)

RESOLVED, that, in the case of *OCWD v. Sabic Innovative Plastics*, a final settlement is approved with Sabic Innovative Plastics, General Electric, ICI Americas and Beatrice for a total amount of \$3.25 million in exchange for release from the District of further claims in the litigation.

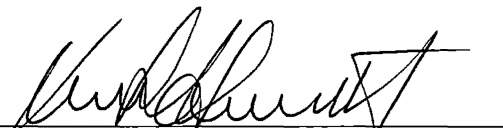
Ayes: Bilodeau, Brandman, Green, Rowe, Ta, Yoh

Noes: Sarmiento, Sheldon, and Zahra

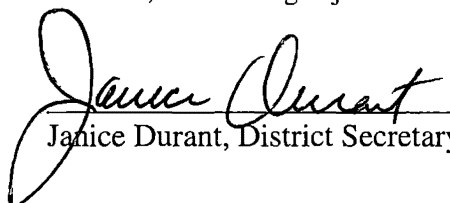
Absent: Nguyen

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 7:00 p.m.



Vicente Sarmiento, President



Janice Durant, District Secretary