

MINUTES OF MEETING
BOARD OF DIRECTORS, ORANGE COUNTY WATER DISTRICT
September 6, 2023, 5:30 p.m.

President Green called to order the September 6, 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 (absent)
Natalie Meeks
Kelly Rowe
Stephen Sheldon
Van Tran (absent)
Bruce Whitaker
Roger Yoh

Staff

Mike Markus, General Manager
John Kennedy, Executive Director
Jeremy Jungreis, General Counsel
Leticia Villarreal, Asst. District Secretary

NATIONAL WATER RESEARCH INSTITUTE PRESENTATION

National Water Research Institute’s (NWRI) Executive Director Kevin Hardy provided an overview on NWRI activities including research fellowships and the upcoming 30th annual Clarke Prize.

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, *California Department of Transportation (Caltrans) Property at Burris Basin and Gentry Golf*, from the Consent Calendar. The balance of the Consent Calendar was then approved upon motion by Director Rowe, seconded by Director Bilodeau and carried [8-0] as follows.

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

1. Approval of Cash Disbursements

MOTION NO. 23-95
APPROVING CASH DISBURSEMENTS

Payment of bills for the period of August 10, 2023 through August 30, 2023 in the total amount of \$41,758,501.82 is ratified and approved.

ITEM RECOMMENDED FOR APPROVAL AT RETIREMENT COMMITTEE MEETING HELD
AUGUST 22, 2023

2. Retirement Plans Conversion

RESOLUTION NO. 23-9-114
AUTHORIZING RETIREMENT PLAN CONVERSION OPTIONS

WHEREAS, pursuant to Resolution No. 23-3-30 adopted March 15, 2023, OCWD approved an agreement with Fidelity to provide recordkeeping and administrative services to both the District’s 401(a) Money Purchase Retirement Plan and the 457 Deferred Compensation plan; and

WHEREAS, during the conversion activities with both Fidelity and Prudential (Empower), an issue arose with Empower regarding the guaranteed Income Fund (GIF) that could possibility delay the conversion.

WHEREAS, the Retirement Committee of this Board has recommended invoking a two year GIF payment option now at Empower;

WHEREAS, the Retirement Committee of this Board has further recommended establishing a new Safe Harbor option at conversion;

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

Section 1: Staff and legal counsel are authorized to pursue invoking a 2-year Guaranteed Income Fund (GIF) payment option now at Empower.

Section 2: Vanguard Federal Money Market Investor (VMFXX) is established as new Safe Harbor option at conversion to Fidelity.

ITEMS RECOMMENDED FOR APPROVAL AT PROPERTY MANAGEMENT COMMITTEE
MEETING HELD AUGUST 25, 2023

3. Amendment to Pheasant Lease with Elaine Raahauge D.B.A. Mike Raahauge’s Shooting Enterprises

RESOLUTION NO. 23-9-115
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. 18 to such Lease providing for a one-year extension of the Lease through September 30, 2024, 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. 18 to the 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.

4. Amendment to Lease to NSM Golf, LLC D.B.A. The Island Golf Center at Burris Basin

RESOLUTION NO. 23-9-116
AUTHORIZING AMENDMENT TO LEASE AGREEMENT WITH NSM GOLF LLC D.B.A. THE ISLAND GOLF AT BURRIS BASIN

WHEREAS, pursuant to Resolution No. 91-12-284 adopted December 18, 1991, and subsequent amendments thereto, OCWD approved a Lease with NSM Golf, LLC d.b.a. The Islands Golf for operation of a golf driving range and related activities at OCWD’s Burris Basin through September 30, 2023; and

WHEREAS, the Property Management Committee of this Board has presented and recommended approval of Amendment No. Five to such Lease Agreement providing for a three-year lease extension through September 30, 2026, and the annual CPI rental adjustment shall resume as stated in the lease;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve Amendment No. 5 to the Lease Agreement with NSM Golf, Inc. as described herein; and, upon approval as to form by District General Counsel, its execution on behalf of the District by the District officers is authorized.

5. California Department of Transportation (Caltrans) Property at Burris Basin and Gentry Golf, Inc. D.B.A. The Islands Center Leasehold

This item was removed from the Consent Calendar and considered separately.

6. Cost Share Agreement with City of Orange to Replace Damaged Wall Along the Santa Ana River

RESOLUTION NO. 23-9-117
AUTHORIZING COST SHARE AGREEMENT WITH CITY OF ORANGE TO REPLACE DAMAGED WALL ALONG THE SANTA ANA RIVER

WHEREAS, the city of Orange (City) recently contacted the District advising that several sections of an existing concrete block wall that runs approximately 2,000 linear feet along the Santa Ana River on East Riverdale Avenue in the City has been significantly damaged and needs repaired; and

WHEREAS, the City requested the District share in the cost of a new chain link fence to replace the wall; and

WHEREAS, the Property Management Committee of this Board has recommended the General Manager negotiate and execute an agreement with the City of Orange in which the City would pay one hundred (100%) of the wall demolition, and the District would pay fifty percent (50%) of the fence replacement, not to exceed \$80,000;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve the aforementioned agreement with the City of Orange as described herein; and, upon approval as to form by District General Counsel, its execution by the District’s officers is authorized.

MATTERS FOR CONSIDERATION

- 5. California Department of Transportation (Caltrans) Property at Burriss Basin and NSM Golf, Inc. D.B.A. The Islands Center Leasehold

Director Rowe asked whether the sublessee is aware of the Stormwater pollution prevention requirements through OCWD’s lease with Caltrans to ensure compliance by all parties. General Manager Mike Markus confirmed that staff would make sure that all parties are aware.

Upon motion by Director Rowe, seconded by Director Meeks and carried [8-0], the following resolution was unanimously carried.

Ayes: Amezcua, Bilodeau, Green, Meeks, Rowe, Sheldon, Whitaker, Yoh

Absent: Nguyen, Tran

RESOLUTION NO. 23-9-118
 APPROVING AGREEMENT WITH CALTRANS FOR PROPERTY AT BURRIS BASIN AND
 GENTRY GOLF, INC. DBA THE ISLANDS GOLF CENTER LEASEHOLD

WHEREAS, pursuant to Resolution No. 18-2-9 adopted February 7, 2018, as subsequently amended, OCWD authorized a temporary month-to-month lease agreement with Caltrans for use of a portion (approximately 1.3 acres) of the land owned by Caltrans and leased by OCWD to Gentry Golf, Inc., d.b.a. The Islands Golf Center, at the southerly portion of Burriss Basin, located at 14893 Ball Road, Anaheim; and,

WHEREAS, the Property Management Committee of this Board has recommended approval of a renewed Airspace Rental Agreement with Caltrans for a three year period for the continued use of the 1.3 acres at a rent of \$ 1,141 per month with a 5% annual increase;

NOW, THEREFORE, the Board of Directors of the Orange County Water District does hereby approve the renewed Airspace Rental Agreement as described herein; and, upon approval as to form by District General Counsel, its execution by the General Manager is authorized.

- 7. State Bond Update

Orange County Water District’s state legislative consultant, Jason Ikerd, reported that negotiations for the four proposed resource bonds have been postponed until 2024. Mr. Ikerd advised that this postponement provides OCWD staff and consultants more time to advocate for the District’s priorities.

INFORMATIONAL ITEMS

- 8. 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.

- August 22 - Retirement Committee
- August 25 - Property Management Committee

9. Verbal Reports

Mr. Markus noted that OCWD provided a tour to the Grand Jury on September 5th. Director Sheldon stated that he disagrees with the state’s proposed indoor water usage per person standards and suggested a resolution by the Board opposing these standards and further requested staff agendize as a future item a section of the California Constitution that requires the state to act reasonably and in the best interest of the public and the public water supply. Director Whitaker updated the Board on recent SAWPA activities.

10. RECESS TO CLOSED SESSION

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

- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – [Government Code Section 54956.9(a)] - *OCWD v. Sabic Innovative plastics, LLC, et al* (South Basin Litigation) Superior Court Case No. 03CC 00078246
- CONFERENCE WITH LEGAL COUNSEL – [Government Code Section 54956.9] *OCWD v. 3M Company et al*

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 7:29 p.m.

DocuSigned by:

 9/21/2023
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 Cathy Green, President


 Leticia Villarreal, Asst. District Secretary