

**MINUTES OF THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF  
EAST ORANGE COUNTY WATER DISTRICT**

April 30, 2020

**1. Call to Order.** A Special Meeting of the Board of Directors of the East Orange County Water District (EOCWD) was called to order by DOUGLASS DAVERT, President of the Board of Directors, at 5:00 p.m. on Thursday, April 30, 2020. Pursuant to California Governor's Executive Order No.-29-20, executed March 17, 2020, there was no public location for attending this board meeting in person. District Secretary JEFFREY A. HOSKINSON, recorded the minutes of the meeting.

The following Directors were present: RICHARD BELL, DOUGLASS DAVERT, JOHN DULEBOHN, GEORGE MURDOCH, and JOHN SEARS. All members of the Board attended via videoconference as permitted by California Governor Executive Order N-29-20 in light of the COVID-19 (Coronavirus) Pandemic.

Present at the EOCWD District Office and via video conference were:

LISA OHLUND	General Manager
SYLVIA PRADO	District Administrative Assistant
JEFFREY HOSKINSON	District Secretary and Legal Counsel

**2. Public Communications to the Board.** None received. No members of the public attended the meeting, and it was verified with Sylvia Prado that no e-mails were received.

**3. Action Calendar.**

**A. PFAS Treatment Facilities and Program Agreement.** General Manager Lisa Ohlund introduced the item, providing background information relative to the development and purpose of the PFAS Treatment Facilities and Program Agreement, proposed to address issues relative to per- and polyfluoroalkyl substances ("PFAS") in groundwater. Ms. Ohlund discussed that EOCWD has been working with staff and legal counsel of Orange County Water District ("OCWD") and several other impacted producers to develop the Agreement that is now before the Board.

Ms. Ohlund complimented OCWD relative to its leadership in how it has approached the PFAS issue generally, and noted that she was not aware of any other area where an agency has gone to this extent to develop such a policy and program. Ms. Ohlund noted that OCWD has gone over and above what might normally happen in circumstances such as these. With that said, however, she could not yet recommend approval of the Agreement, as proposed.

Specifically, Ms. Ohlund highlighted the issues and concerns arising in connection with the proposed release language. General Counsel Jeff Hoskinson provided additional support for her comments, discussing the broad scope of the release proposed by OCWD—and EOCWD's repeated attempts to narrow and focus the release to the treatment actually being provided—including the specific carbon chains of PFAS at issue for treatment now.

Mr. Hoskinson highlighted the broad nature of the release, which would encompass PFAS constituents beyond those at issue today— not just PFOA or PFOS.

At the April 15, 2020 meeting of the OCWD Board of Directors, Ms. Ohlund and President DAVERT attended and President DAVERT commented to the OCWD Board, raising EOCWD's concerns relative to the release language. At that meeting, certain comments of the members of the OCWD Board suggested that there might be some room for consideration of that concern.

Accordingly, EOCWD Staff's recommendation was to draft a letter from the EOCWD Board to the OCWD Board, thanking them for their leadership but raising modifications to the release language that would make it acceptable. Of central focus was, at minimum, securing an exclusion from the release for third-party liability arising in connection with Comprehensive Environmental, Response, and Compensation Act ("CERCLA").

It was discussed with the Board that the City of Fullerton had approved the agreement, and that Irvine Ranch Water District had approved the agreement with discretion vested in the General Manager to pursue if IRWD pursues a Project. Director SEARS inquired as to the risks that would exist if the agreement was not signed, the response to which included that EOCWD would be required to fund and build its own treatment system. Director BELL asked about efforts to prevent new PFAS contamination coming into the Basin.

**ACTION TAKEN:** The Board, upon motion by MURDOCH, seconded by BELL, authorized, by unanimous roll-call vote of those members present (5-0, Directors BELL, DAVERT, DULEBOHN, MURDOCH, and SEARS aye, 0 noes), that President DAVERT send recommended revisions to the PFAS Treatment Facilities and Program Agreement to the Board of Directors of the Orange County Water District.

**4. Closed Session.**

A. **Closed Conference with Legal Counsel.** Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): *One (1) Potential Case.*

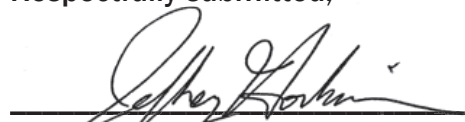
B. **Report Out of Open Session.** The Board reconvened in Open Session and reported that it had taken no reportable action.

**4. Adjournment.**

**ACTION TAKEN:**

The meeting was adjourned at 6:19 p.m. to the next scheduled Regular Meeting to be held on Thursday, May 21, 2020, at 5:00 p.m., at the Offices of the East Orange County Water District, 185 N. McPherson Road, Orange, California.

Respectfully submitted,



Jeffrey A. Hoskinson