



MINUTES OF THE
REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE EAST ORANGE COUNTY WATER DISTRICT (EOCWD)

February 13, 2020

1. **Call to Order.** A Regular Meeting of the Board of Directors of the East Orange County Water District was called to order by President DOUGLASS DAVERT at 5:01 p.m. on Thursday, February 13, 2020, in the offices of the East Orange County Water District, 185 N. McPherson Road, Orange, California, with Vice President BELL leading the Pledge of Allegiance. JEFF HOSKINSON, Secretary, recorded the minutes of the meeting.

The following Directors were present: RICHARD BELL, DOUGLASS DAVERT, JOHN DULEBOHN, GEORGE MURDOCH, and JOHN SEARS.

Also present were:

LISA OHLUND	General Manager
SYLVIA PRADO	District Administrative Assistant
JEFF SMYTH	Engineering Manager
JEFF HOSKINSON	District Secretary and Legal Counsel
STEVEN ANDREWS	Steven Andrews Engineering
JOHN LEWIS	Lewis Consulting
NICHOLAS J. ARHONTES	Consultant
ASHOK DHINGRA	AKD Consulting

Members of the Public also attended.

- 2. **Public Communications to the Board.** None.
- 3. **Addition of Items Arising After Posting of Agenda Requiring Immediate Action.**

ACTION TAKEN: None

- 4. **Consent Calendar.**

The Board, on motion from SEARS, seconded by DULEBOHN, approved that the Consent Calendar items by unanimous vote as follows:

- A. Minutes: THE MINUTES OF THE JANUARY 16, 2020 REGULAR MEETING OF THE BOARD WERE APPROVED AS SUBMITTED;
- B. General Manager’s Report: THE GENERAL MANAGER’S REPORT WAS RECEIVED AND FILED;
- C. Annual Investment Policy Review: THE BOARD APPROVED THE 2020 ANNUAL INVESTMENT POLICY, AS PRESENTED.

- D. Conflict of Interest Policy: THE BOARD APPROVED THE CONFLICT OF INTEREST POLICY, AS PRESENTED.
- E. Per – and Poly-Fluoroalkyl Substances (“PFAS”) Status Report: THE BOARD RECEIVED AND FILED THE REPORT.

5. Operation, Management and Construction Matters.

A. ID1 Capacity, Reliability, and Augmentation Project #1 – Request to Negotiate Contract for Design-Build Services with Quanta Services, Inc. General Manager Ohlund presented the item, including a Powerpoint presentation relative to the Project. Ms. Ohlund described the process utilized to evaluate the proposals received from Black and Veatch and HDR/Quanta Construction in response to the District’s Request for Proposals (“RFP”), as well as the issues addressed during the evaluation—including the parties’ willingness to make \$100,000 available in a pool that can be pulled from if they have conflicts during the process. Ms. Ohlund provided an overview of the respondents, and respective experience and expertise, as well as proposed pricing. Ultimately, the District’s reviewing team, comprised of Ms. Ohlund, Engineering Manager Jeff Smyth, and District Consultant Ashok Dhingra, recommended that the Board authorized negotiation with the HDR/Quanta team, with the addition of a Crawford Canyon component not in the original RFP.

ACTION TAKEN:

The Board, upon motion duly seconded, unanimously authorized the General Manager, or her designee, to negotiate a contract for the Design and Construction of the ID1 Capacity, Reliability, and Augmentation Project No. 1 with Quanta Services, Inc.

B. ID1 Capacity, Reliability, and Augmentation Project #1 – Award of Owner’s Representative Services to AKD Consulting. Ms. Ohlund introduced this item, including an introduction of Ashok Dhingra and his team, and discussed the need for their services based on the specialty nature of the Project, that would require more work than what the District’s Engineering Manager can provide.

ACTION TAKEN:

The Board, upon motion by BELL and seconded by DULEBOTH, unanimously approved that the Board award a contract in an amount not to exceed \$299,580 to AKD Consulting to serve as Owner’s Representative with respect to the ID1 Capacity, Reliability, and Augmentation Project No. 1.

C. Vista Panorama – Award of Contract for Site Services to Chestnut Construction, Inc. Ms. Ohlund introduced this item, describing that it would include the relocation of the hydrotank, grading of the site, and installation of an overflow basin, as well as an access road into the site. Director BELL indicated that the Engineering and Operations Committee was very supportive of this Project. Director DULEBOHN asked if a pump station was being considered, and indicated he would like to see that done.

ACTION TAKEN:

The Board, upon motion by SEARS, seconded by BELL, unanimously approved that the Board award a contract in an amount of \$250,160.55 to Chestnut Construction, Inc., and authorized and approved District staff a \$25,000 contingency to address any unanticipated conditions.

D. Approval of Records Access and Retention Policy. Ms. Ohlund introduced the item, indicating that is an existing policy with extensive revisions. Ms. Ohlund indicated that historically the District has relied on the State Public Records Act, but, in looking at the code, felt that modifications to its policy could be made to streamline response times. District also established and defined the rate to charge for records. Director SEARS inquired as to the destruction of records, to which Ms. Ohlund described the process set forth in the policy.

ACTION TAKEN:

The Board, upon motion by SEARS and seconded by MURDOCH,, unanimously approved Resolution No. 872 entitled, “RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST ORANGE COUNTY WATER DISTRICT APPROVING AN UPDATED RECORDS ACCESS AND RETENTION POLICY AND SUPERCEDING PRIOR RECORD RETENTION POLICIES,” subject to the amendment of the policy to limit costs for electronic records to reflect actual time for providing record

E. Approval of Comprehensive Financial Management Policy. Ms. Ohlund introduced the item, indicating the adoption of a Comprehensive Financial Management Policy is a step in undertaking the process of getting the District rated. Ms. Ohlund noted that nothing in the policy binds future Boards, but rather is a living document that can always be changed and modified. Ms. Ohlund added that the Finance Committee had reviewed the document thoroughly.

ACTION TAKEN: The Board, upon motion by SEARS, seconded by MURDOCH, approved the Comprehensive Financial Management Policy, as presented.

F. Travel and Expense Policy – Update and Approval. Ms. Ohlund indicated that this policy had not been updated since 2007. Employees have now been added, and provisions relative to a Board member access to a District credit card provided.

ACTION TAKEN:

The Board, upon motion by MURDOCH, seconded by DULEBOHN, unanimously approved the revised Travel and Expense Policy, as presented.

6. Financial Matters.

- A. Approval of schedules of disbursements.**
- B. Report on investments/ratification of investment activity.**
- C. Receipt and filing of financial statements (December 31, 2019)**

ACTION TAKEN:

The Board, on motion by DULEBOHN seconded by BELL, unanimously (1) approved the Schedule of Disbursements for Consideration, as submitted; (2) ratified and approved the Schedules of Investments; and (3) received and filed the Financial Statements and reports.”

7. Miscellaneous Matters.

A. Wholesale and Retail Water Usage Report – January 2020. Ms. Ohlund discussed that water use is trending up, though she would not categorize it as a significant upward trend. The District is still experiencing significant conservation as compared to 2013 levels, with water use levels still down 25 percent (some months 30 percent). The District has not let off on messaging, and attempts to do so in interesting and indirect ways. Director SEARS and BELL commented briefly, with Director BELL commenting on current weather conditions.

ACTION TAKEN:

On motion by BELL, seconded by DULEBOHN, the Board unanimously received and filed the Wholesale Zone and Retail Zone Water Usage Report.

B. Conference and Meeting Attendance Requests.

- i. ACWA Spring Conference, May 5-8, 2020, Monterey, CA.**

ACTION TAKEN:

On motion by SEARS, seconded by BELL, the Board unanimously authorized Director MURDOCH to attend the ACWA Spring Conference.

- C. Directors' reports on meetings attended at District expense (Government Code Section 53232.3) and Directors' comments. Directors or staff may ask questions for clarification, make brief announcements, and make brief reports on their own activities. Directors may provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning a matter, or direct staff to place a matter on a future agenda (Government Code § 54954.2)**

Director SEARS reported attendance at meetings of the Foothill Community Association, the Water Advisory Committee of Orange County (WACO) meeting; Administrative/Finance Committee Meeting, and Water Policy Forum.

Director BELL reported attendance at WACO and the Water Policy Forum.

Director DULEBOHN had nothing to report.

Director MURDOCH reported several Sacramento Trips for ACWA, including: an ACWA Board Workshop (1/30), which included an 8-hour session for 5-year strategic planning, followed by a tour of the new ACWA Building; the ACWA Board Meeting (1/31), which included the election for the execution committee; and an ACWA Water Quality meeting (2/12). Director MURDOCH indicated that there would be an ACWA subcommittee on PFAS only, if anyone was interested.

President DAVERT began his comments thanking Director MURDOCH for being the first District Board Member at ACWA—accomplishing one of the goals of the agency to expand its involvement. President DAVERT indicated that he attended: the kick-off meeting of the Hazard Mitigation Committee (1/23); ISDOC Luncheon (1/24); MWDOC meeting (1/31); and at his own-expense attended an ACWA Conference on regional events.

D. Monthly Legislative & Outreach Report. A reference was made to the Townsend report, included in the information packet. Hon. John Lewis then made his presentation, highlighting that it was a slow month—with not much happening in the County pending the upcoming election. Mr. Lewis provided an overview of his drought monitor, pointing out that based on the current map, Central Sierra is in a state of moderate drought, while the Rocky Mountains are reporting 106 percent of normal. Mr. Lewis then provided an overview of the Super Tuesday election.

8. Informational Items.

A. General interest publications. Ms. Ohlund made a brief reference to highlight the PFAS article included, referencing the Philadelphia Story that could be a prediction of what is to come.

9. Closed Session

- A. Closed Conference with Legal Counsel – Anticipated Litigation - Initiation of Litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: *AT&T and T-Mobile Communications (Vista Panorama)*
- B. Closed Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 one matter.
- C. Open session: The Board reported that relative to Item 9(A), the Board, upon motion by DAVERT, seconded by MURDOCH, unanimously authorized General Manager Lisa Ohlund to coordinate with legal counsel to initiate litigation as soon as feasible. The Board took no other reportable action.

10. Adjournment.

ACTION TAKEN:

The meeting was adjourned to a regular meeting to be held at 5:00 p.m. on Thursday, March 19, 2020, at the Offices of the East Orange County Water District, 185 N. McPherson Road, Orange, California.

Respectfully submitted,



Jeffrey A. Hoskinson