

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
March 18, 2020**

At 8:30 a.m., President Tamaribuchi called to order the Regular Meeting of the Municipal Water District of Orange County, via the Zoom Webinar application (pursuant to the Governor's Executive Order due to the spread of the COVID-19 virus, the meeting was conducted via Zoom). Secretary Goldsby called the roll.

**MWDOC DIRECTORS**

Brett R. Barbre  
Larry Dick  
Joan Finnegan  
Bob McVicker  
Sat Tamaribuchi  
Jeffery M. Thomas  
Megan Yoo Schneider

**STAFF**

Robert Hunter, General Manager  
Karl Seckel, Assistant General Manager  
Joe Byrne, Legal Counsel  
Maribeth Goldsby, Board Secretary  
Harvey De La Torre, Associate General Manager  
Melissa Baum-Haley, Prin. Water Resources Analyst  
Joe Berg, Dir. of Water Use Efficiency  
Damon Micalizzi, Director of Public Affairs  
Heather Baez, Government Affairs Manager  
Vicki Osborn, Dir. of Emergency Management  
Bryce Roberto, Public Affairs Coordinator

**ALSO PRESENT**

Linda Ackerman  
Larry McKenney  
Peer Swan  
Jim Atkinson  
Jim Fidler  
Justin McCusker  
Bill Green  
Brooke Jones  
Al Nederhood

MWDOC/MET Director  
MWDOC/MET Director  
Irvine Ranch Water District  
Mesa Water  
Mesa Water  
Santa Margarita Water District  
South Coast Water District  
Yorba Linda Water District  
Yorba Linda Water District

**PUBLIC PARTICIPATION/PUBLIC COMMENT**

President Tamaribuchi announced members of the public wishing to comment on agenda items could do so after the item has been discussed by the Board and requested members of the public identify themselves when called on. Mr. Tamaribuchi asked whether there were any comments on other items which would be heard at this time.

President Tamaribuchi advised the audience members that the meeting was audio conference call through Zoom Webinar applications and that future meetings would have the video capability.

IRWD Director Peer Swan suggested MWDOC host a training class for the Zoom application.

President Tamaribuchi noted that those interested in briefing regarding the Zoom application, contact staff.

**ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

No items were received.

**ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING**

President Tamaribuchi inquired as to whether there were any items distributed to the Board less than 72 hours prior to the meeting.

No items were presented.

**CONSENT CALENDAR**

President Tamaribuchi stated all matters under the Consent Calendar would be approved by one MOTION unless a Director wished to consider an item separately.

Director Thomas requested that Item No. 5 (Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement) be pulled from the Consent Calendar for further discussion.

Assistant General Manager Karl Seckel highlighted the Agreement with the Center for Demographic Research (CDR), stating that although MWDOC has historically appointed a Board member to represent MWDOC on the CDR Management Oversight Committee (MOC) and Technical Advisory Committee (TAC), the Agreement states that the MOC and TAC should be comprised of staff members, and that those staff members will be the voting representatives. This item will be agendized at a future meeting.

Upon MOTION by Barbre, seconded by Finnegan, and carried (7-0) the Board approved the balance of Consent Calendar items as follows. The Consent Calendar was adopted by the following roll call vote:

- AYES: Directors Barbre, Dick, Finnegan, McVicker, Yoo Schneider, Tamaribuchi & Thomas
- NOES: None
- ABSENT: None
- ABSTAIN: None

**MINUTES**

The following minutes were approved.

- February 5 Workshop Board Meeting
- February 19, 2020 Regular Board Meeting

**COMMITTEE MEETING REPORTS**

The following Committee Meeting reports were received and filed as presented.

Planning & Operations Committee Meeting: February 3, 2020  
Administration & Finance Committee Meeting: February 12, 2020  
Public Affairs & Legislation Committee Meeting: February 18, 2020  
Executive Committee Meeting: February 20, 2020

### **TREASURER'S REPORTS**

The following items were ratified and approved as presented.

MWDOC Revenue/Cash Receipt Register as of February 29, 2020  
MWDOC Disbursement Registers (February/March)

The following items were received and filed as presented.

MWDOC Summary of Cash and Investment and Portfolio Master Summary Report (Cash and Investment report) as of January 31, 2020

PARS Monthly Statement (OPEB Trust)

Water Use Efficiency Projects Cash Flow

### **FINANCIAL REPORT**

The following items were received and filed as presented.

Combined Financial Statements and Budget Comparative for the period ending January 31, 2019

### **APPROVE PARTICIPATION IN THE CENTER FOR DEMOGRAPHIC RESEARCH**

The Board approved participation in the Center for Demographic Research for fiscal years 2020-21 (\$53,100.32), 2021-22 (\$55,189.31), and 2022-23 (\$57,462.00). These amounts will be included in the budgets for each of the aforementioned fiscal years.

### **OC REGIONAL DISTRIBUTION SYSTEM HYDRAULIC MODEL INVESTIGATION REPORT**

The Board (1) received and filed the Orange County Regional Distribution System Hydraulic Model Investigation Report, which was included on the District's website at:

<https://www.mwdoc.com/wp-content/uploads/2020/02/MWDOC-Hydraulic-WQ-Model-Report-20200225.pdf> ; (2) concurred with the staff recommendation to proceed with issuance of a

Request for Proposals to build and calibrate an OC regional distribution system hydraulic and water quality model based upon the findings of the investigation report; and (3) directed staff to

return to the Board in May 2020 with recommendations for consideration of award of a professional services contract to build and calibrate the hydraulic model.

**- END CONSENT CALENDAR -**

**ITEMS PULLED FROM THE CONSENT CALENDAR**

**AMENDMENT NO. 9 TO THE SANTIAGO AQUEDUCT COMMISSION JOINT POWERS AGREEMENT**

President Tamaribuchi advised that the proposed Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement was before the Board for consideration.

Responding to an inquiry by Director Thomas, Assistant General Manager Seckel confirmed that IRWD and the County of Orange executed an Assignment and Assumption Agreement (Transfer Agreement) to transfer the County’s capacity in Reaches 1U, 2U, 3U, and 4U of the Baker Pipeline to IRWD. Mr. Seckel also confirmed that he believes an additional amendment to the SAC Joint Powers Agreement transferring representation from MWDOC to EOCWD will eventually happen.

Upon MOTION by Director Thomas, seconded by Director McVicker, and carried (7-0), the Board approved the execution of Amendment No. 9 to the Santiago Aqueduct Commission (SAC) Joint Powers Agreement by the President of the MWDOC Board. Said MOTION was adopted by the following roll call vote:

- AYES: Directors Barbre, Dick, Finnegan, McVicker, Yoo Schneider, Tamaribuchi & Thomas
- NOES: None
- ABSENT: None
- ABSTAIN: None

**ACTION CALENDAR**

**APPROVAL OF RESOLUTION DESIGNATING AUTHORIZED AGENTS FOR 2018 FY GRANT TRANSFER AGREEMENTS FOR HOMELAND SECURITY GRANTS**

Upon MOTION by Director Barbre, seconded by Director Thomas, and carried (7-0), the Board (1) Approved the execution of the 2018 Grant Transfer Agreement with the City of Anaheim as the Local Urban Area Security Initiative (UASI) Administrator, and (2) adopted RESOLUTION NO. 2093 authorizing the WEROC Director of Emergency Management and the General Manager as designated Authorized Agents for FY 2018 Homeland Security Grants and authority to execute any subsequent agreements related to the Homeland Security Grants. Staff will come back to the Board for a purchase award in the event the award is greater than \$25,000. Said MOTION and RESOLUTION were adopted by the following roll call vote:

AYES: Directors Barbre, Dick, Finnegan, McVicker, Yoo Schneider, Tamaribuchi & Thomas  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

**AMENDMENT TO ADMINISTRATIVE CODE RE DIRECTOR VACANCY**

Director Barbre advised that he recommends the proposed Amendment to the Administrative Code (“If the vacancy occurs within 90 days of the call of election for a regularly scheduled general election, the vacancy shall automatically be filled via election”) be added to the Code to ensure the voters determine and choose the Director, rather than the Board appointing the Director.

Legal Counsel Byrne requested clarification on the term “call for election” as the Elections Code states that if a vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the vacancy would be placed on the next General Election ballot. Following a brief discussion, it was determined that the proposed amendment (addition) to the Administrative Code would read “if the vacancy occurs within 90 days of the 130<sup>th</sup> day prior to the General Election, the vacancy shall automatically be filled via election.” Director Barbre concurred with this language.

Director Dick stated that he prefers election v. appointment, however expressed concern with potentially leaving a Division with no representation for approximately 7 months, and was hesitant to bind a future Board to this provision.

Director Thomas concurred with Director Dick, noting he would prefer the voters decide, however would prefer to not add the suggested language to the Administrative Code.

Directors Yoo Schneider and Finnegan each agreed with both Directors Dick and Thomas.

Director Barbre made a MOTION to add the language “if the vacancy occurs within 90 days of the 130<sup>th</sup> day prior to the General Election, the vacancy shall automatically be filled via election” to the Administrative Code. Said MOTION failed for lack of a second.

Following discussion, it was generally agreed that the Administrative Code would not be amended.

**CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2020-2022 BOARD OF DIRECTORS – SOUTHERN NETWORK ELECTION, SEAT B**

It was noted that the Public Affairs & Legislation Committee recommended that the Board support Serrano Water District Director Greg Mills in his candidacy for the CSDA 2020-2022 Board of Directors – Southern Network Election (Seat B).

Director Dick highlighted the fact that another seat on the CSDA Board of Directors was open (the next item on the agenda) (Seat C) and inquired as to whether Mr. Mills could run for Seat C

in the event he does not get elected to Seat B. Government Affairs Manager Heather Baez confirmed that Mr. Mills could seek candidacy for Seat C in the event he is not elected to Seat B. Director Dick asked for the Board’s concurrence in supporting Mr. Mills for Seat B, and if necessary, Seat C.

Upon MOTION by Director Barbre, seconded by Director Finnegan, and carried (7-0), the Board expressed support for Greg Mills for the CSDA 2020-2022 Board of Directors (Southern Network, Seat B), and directed staff to send a letter to the CSDA Board of Directors stating support for Greg Mills. Said MOTION was adopted by the following roll call vote:

- AYES: Directors Barbre, Dick, Finnegan, McVicker, Yoo Schneider, Tamaribuchi & Thomas
- NOES: None
- ABSENT: None
- ABSTAIN: None

**CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2021-2023 BOARD OF DIRECTORS – SOUTHERN NETWORK ELECTION, SEAT C**

Upon MOTION by Director Dick, seconded by Director Finnegan, and carried (7-0), the Board directed staff to send a letter of support for Greg Mills for the CSDA 2021-2023 board of Directors, Southern Network Election, Seat C, in the event Mr. Mills is selected as a candidate for Seat C. Said MOTION was adopted by the following roll call vote:

- AYES: Directors Barbre, Dick, Finnegan, McVicker, Yoo Schneider, Tamaribuchi & Thomas
- NOES: None
- ABSENT: None
- ABSTAIN: None

**LOCAL AREA FORMATION COMMISSION’S (LAFCO) DUES REAPPORTIONMENT FOR SPECIAL DISTRICTS**

Upon MOTION by Director Barbre, seconded by Director Dick, and carried (7-0), the Board approved the proposed LAFCO dues reapportionment for special districts (an estimated increase to MWDOC’s portion of \$12,012 per year), authorized President Tamaribuchi to cast the District’s ballot on MWDOC’s behalf, and directed staff to amend MWDOC’s draft budget to reflect this change, and to send a letter to the ISDOC Executive Committee thanking them for addressing the issue, and add a special thank you to YLWD Director Al Nederhood for his efforts on this matter. Said MOTION was adopted by the following roll call vote:

- AYES: Directors Barbre, Dick, Finnegan, McVicker, Yoo Schneider, Tamaribuchi & Thomas
- NOES: None
- ABSENT: None
- ABSTAIN: None

Pursuant to President Tamaribuchi's request, with concurrence by the Board, the following legislative items were voted on with one MOTION.

Upon MOTION by Director Yoo Schneider, seconded by Director Thomas, and carried (7-0), the Board approved the following:

**AB 2093 (GLORIA) – PUBLIC RECORDS RETENTION**

The Board adopted an oppose position on AB 2093 (Gloria), and joined the California Special Districts Association's (CSDA) coalition letter.

**AB 2178 (LEVINE) – EMERGENCY SERVICES: DE-ENERGIZATION DEFINITION**

The Board adopted a support position on AB 2178 (Levine).

**AB 2182 (RUBIO) – EMERGENCY BACK UP GENERATORS, WATER AND WASTEWATER FACILITIES: EXEMPTION**

The Board adopted a support position on AB 2182 (Rubio), and directed staff to send a letter to the author and the Association of California Water Agencies (bill sponsor).

**AB 2246 (MAYES) – SURFACE MINING RECLAMATION ACT OF 1975: METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

The Board adopted a support position on AB 2246 (Mayes), and authorized staff to sign on to the Metropolitan Water District of Southern California's coalition letter.

**AB 2560 (QUIRK) – WATER QUALITY: NOTIFICATION AND RESPONSE LEVELS: PROCEDURES**

The Board adopted a support position on AB 2560 (Quirk), and directed staff to send a letter of support to the author and the California Municipal Utilities Association (CMUA).

**ACR 179 (VOEPEL) – SPECIAL DISTRICTS WEEK**

The Board adopted a support position on ACR 179 (Voepel) proclaiming the week of May 17, 2020 to May 23, 2020, to be Special Districts Week.

**SB 996 (PORTANTINO) – STATE WATER RESOURCES CONTROL BOARD: CONSTITUENTS OF EMERGING CONCERN PROGRAM**

The Board adopted a support position on SB 996 (Portantino), and authorized staff to sign on to the Metropolitan Water District of Southern California's coalition letter.

**SB 1099 (DODD) – EMERGENCY BACKUP GENERATORS: CRITICAL FACILITIES: EXEMPTION**

The Board adopted a support position on SB 1099 (Dodd), and directed staff to send a letter to the author, the California Municipal Utilities Association, and the Las Virgenes Municipal Water District (bill sponsors).

The above MOTION and positions were adopted by the following roll call vote:



AYES: Directors Barbre, Dick, Finnegan, McVicker, Yoo Schneider, Tamaribuchi & Thomas  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

**PARTICIPATION IN CALIFORNIA WATER ENERGY EDUCATION ALLIANCE LEADERSHIP ROUNDTABLE (WEEA)**

President Tamaribuchi informed the Board that although this item was referred to the Board by the Public Affairs & Legislation Committee for discussion and action, he had a number of questions he would like answered. As a result, prior to the meeting, he asked the General Manager, consistent with the General Manager’s authority in the Administrative Code, to remove this item from the Agenda and return it to the Administration & Finance Committee for further discussion. President Tamarabuchi further indicated (that pursuant to Section 1307 of the Administrative Code) the General Manager, with the concurrence of the Public Affairs & Legislative Committee Chair (Director Yoo Schneider), agreed to defer this item and remove it from the Agenda. As a result of these actions, this item was no longer on the Agenda and had been referred to the April 8, 2020 Administrative & Finance Committee for further discussion.

Director Barbre expressed concern and asked that the Board first vote on the item, believing that once an item passes through Committee, it should be left for a Board vote. Director Barbre made a MOTION to authorize leadership of the Water Energy Education Alliance (WEEA), which was seconded by Director Thomas.

Legal Counsel Byrne advised that the item had been removed from the agenda, and therefore it was improper for there to be a discussion and/or any action taken with regard to it. He also indicated that if the Board wanted to consider amending Section 1307 of the Administrative Code, the issue could be agendized for discussion or action at a later meeting. In the future, if any item that is removed from an agenda pursuant to Section 1307 of the Administrative Code, it will be announced more clearly at the beginning of a meeting.

(Director Barbre left the meeting)

**CONSIDER CANCELLATION OF APRIL 2, 2020 ELECTED OFFICIALS FORUM DUE TO CONCERNS WITH THE CORONAVIRUS**

Responding to an inquiry by Director Dick, General Manager Hunter advised that pursuant to the Public Affairs & Legislation Committee discussion, the notifications of cancellation would include information on how agencies/elected officials can access budget documents, as well as a brief overview of the budget), and how to provide input to the Board.

Upon MOTION by Director Finnegan, seconded by Director Yoo Schneider, and carried (6-0), the Board recommended the April 2, 2020 Elected Officials Forum be cancelled. Said MOTION was adopted by the following roll call vote:

AYES: Directors Dick, Finnegan, McVicker, Yoo Schneider, Tamaribuchi & Thomas  
 NOES: None  
 ABSENT: Director Barbre  
 ABSTAIN: None

**INFORMATION CALENDAR**

**GENERAL MANAGER'S REPORT, MARCH 2020**

General Manager Hunter advised that the General Manager’s report was included in the Board packet.

Mr. Hunter thanked everyone who attended via the Zoom Webinar application, noting that in-person attendance is discouraged (pursuant to the Governor’s Executive Order) and that all meetings will be held via the Zoom application (during the COVID-19 Coronavirus emergency). He advised that most (if not all) staff will be working from home, however they are available to assist with training on the use of Zoom. Mr. Hunter stated that forms/agreements with the employees are being drafted and executed with respect to use of equipment and telecommunications requirements. President Tamaribuchi suggested staff develop a training date (via web) for Zoom instruction.

Responding to an inquiry by Director Dick, Vicki Osborn (Director of Emergency Management) provided an update on WEROC activities and Emergency Operations Center (EOC) operations. Ms. Osborn advised that WEROC has activated its coordination procedures, and is working to maintain communications with agencies to determine needs and processes with non-essential operations (maintenance, etc.). She also advised that staff is working to obtain personal protective equipment (PPE), and is providing guidance (with the agencies) on the proclamation process. General Manager Hunter advised that some administrative WEROC items would be presented to the Board next month.

Director Dick asked whether the FPPC had extended the deadlines for submitting Form 700 (Statements of Economic Interests) and Secretary Goldsby advised that as of this date, extensions have not been issued and the date remains April 1.

The Board received and filed the report as presented.

**MWDOC GENERAL INFORMATION ITEMS**

**a. BOARD OF DIRECTORS**

The Board members each reported on their attendance at the regular (and special) MWDOC Board and Committee meetings. In addition to these meetings, the following reports were made on conferences and meetings attended on behalf of the District.

Director Dick reported he attended the Administration & Finance and Public Affairs & Legislation Committee meetings, the Workshop Board meeting, the MWDOC/MET Directors pre-MET

Executive Committee meeting, the MET Executive Committee meeting, a meeting with members of Serrano Water District, the South Orange County Economic Coalition, the ISDOC Executive Committee meeting, the MET Caucus, and the MET Board and Committee meetings.

Director McVicker reported that he attended the Planning & Operations, Administration & Finance, and Public Affairs & Legislation, Committee meetings, the Workshop Board meeting, the Ad Hoc Committee re Desalination meeting, the WACO meeting, and the MET Committee meetings (via web).

Director Finnegan noted that she attended the Planning & Operations, Administration & Finance, Public Affairs & Legislation, and Executive Committee meetings, the Workshop Board meeting, and the ISDOC Executive Committee meeting.

Director Thomas stated that he attended the Planning & Operations, Administration & Finance, and Public Affairs & Legislation Committee meetings, the OC Water Summit planning meeting(s), the Urban Water Institute Conference, and a "Heli-hydrant" demonstration in Yorba Linda.

Director Yoo Schneider advised that she attended the Planning & Operations, Administration & Finance, Public Affairs & Legislation, and Executive Committee meetings, as well as the Orange County Water Association (OCWA) meeting, the San Clemente Chamber installation, the SMWD Board meeting regarding their Strategic Plan, the Women in Water meeting in Orange County, a meeting with representatives from IRWD, the ACWA Legislative Conference in Washington, DC, the Utilities Management Conference in Anaheim, the San Juan Basin Authority meeting, a meeting with representatives from OCWD, and the SCWD Board meeting.

Director Tamaribuchi reported on attending the regularly scheduled MWDOC meetings (Planning & Operations, Administration & Finance, Public Affairs & Legislation, and Executive Committee meetings, as well as the Workshop and Regular Board meetings), the OC Water Summit Planning meeting, the OCBC Infrastructure Committee meeting, the Ad Hoc Committee re Desalination meeting, the IRWD Water Resources Committee meeting, and the WACO meeting.

**b. REQUESTS FOR FUTURE AGENDA TOPICS**

No requests were made.

**ADJOURNMENT**

There being no further business to come before the Board, President Tamaribuchi adjourned the meeting at 10:07 a.m.

Respectfully submitted,

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Maribeth Goldsby, Secretary