

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
March 16, 2022**

At 8:30 a.m., President Yoo Schneider called to order the Regular Meeting of the Municipal Water District of Orange County, via the Zoom Webinar application (due to the current state of emergency related to the spread of COVID-19 and pursuant to Government Code Section 54953(e)). Following a moment of silence, Director Thomas led the Pledge of Allegiance and Secretary Goldsby called the roll.

MWDOC DIRECTORS

Al Nederhood
Larry Dick
Bob McVicker
Karl Seckel
Sat Tamaribuchi
Jeffery M. Thomas
Megan Yoo Schneider

STAFF

Robert Hunter, General Manager
Harvey De La Torre, Assist. GM
Joe Byrne, Legal Counsel
Maribeth Goldsby, Board Secretary
Melissa Baum-Haley, Prin. Water Resources Analyst
Heather Baez, Governmental Affairs Manager
Alex Heide, Water Resource Analyst
Kevin Hostert, Water Resources Analyst
Charles Busslinger, Principal Engineer
Hilary Chumpitazi, Accounting Manager
Damon Micalizzi, Director of Public Affairs
Vicki Osborn, Director of Emergency Management
Joe Berg, Director of Water Use Efficiency
Rachel Waite, Sr. WUE Analyst
Chris Lingad, Associate Engineer
Tiffany Baca, Public Affairs Manager

ALSO PRESENT

Dennis Erdman
Linda Ackerman
Christine Carson
Kathryn Freshley
Mike Gaskins
Kay Havens
Jose Vergara
Doug Reinhart
Peer Swan
Paul Weghorst
Keith Van Der Maaten
Jim Atkinson
Stacy Taylor
Bill Moorhead
Sherry Wanninger
Kelly Rowe
Mike Markus
John Kennedy

MWDOC/MET Director
MWDOC/MET Director
Aleshire & Wynder
El Toro Water District
El Toro Water District
El Toro Water District
El Toro Water District
Irvine Ranch Water District
Irvine Ranch Water District
Irvine Ranch Water District
Laguna Beach County Water District
Mesa Water
Mesa Water
Moulton Niguel Water District
Moulton Niguel Water District
Orange County Water District
Orange County Water District
Orange County Water District

Chuck Gibson	Santa Margarita Water District
Saundra Jacobs	Santa Margarita Water District
Justin McCusker	Santa Margarita Water District
Frank Ury	Santa Margarita Water District
Dan Ferons	Santa Margarita Water District
Rick Shintaku	South Coast Water District
Fernando Paludi	Trabuco Canyon Water District
Brooke Jones	Yorba Linda Water District
Tom Lindsey	Yorba Linda Water District
Wayne Miller	Yorba Linda Water District
Dick Ackerman	Ackerman Consulting
Lisa Ohlund	Ohlund Management & Technical Services
L. O'Connell	

PUBLIC PARTICIPATION/PUBLIC COMMENT

President Yoo Schneider announced that 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. Ms. Yoo Schneider asked whether any member of the public had any comments on items that are not on the agenda.

No public comments were received.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

No items were received.

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

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

No items were distributed within 72 hours of the meeting, however General Manager Hunter advised that an amended agenda was posted (subsequent to the original posting) outlining several closed session items; the amended agenda was posted well within the Brown Act guidelines.

CONSENT CALENDAR

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

Director Seckel requested that the Executive Committee meeting minutes (Item 2c) be revised to correctly spell Chip Monaco's name; the Board concurred.

Upon MOTION by Director Thomas, seconded by Director Seckel, and carried (7-0) the Board approved the Consent Calendar items, by the following roll call vote:

AYES: Directors Nederhood, Dick, McVicker, Seckel, Tamaribuchi, Thomas, and Yoo Schneider
 NOES: None
 ABSENT: None
 ABSTAIN: None

MINUTES

The following minutes were approved.

February 2, 2022 Workshop Board Meeting
 February 16, 2022 Regular Board Meeting

COMMITTEE MEETING REPORTS

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

Planning & Operations Committee Meeting: February 14, 2022
 Administration & Finance Committee Meeting: February 9, 2022
 Executive Committee Meeting: February 17, 2022 (as revised above)

TREASURER'S REPORTS

The following items were ratified and approved as presented.

MWDOC Revenue/Cash Receipt Register as of February 28, 2022
 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, 2022

PARS Monthly Statement (OPEB Trust)

FINANCIAL REPORT

The following item was received and filed as presented.

Combined Financial Statements and Budget Comparative for the Period ending January 31, 2022

APPROVE CONTINUATION OF REMOTE MEETINGS PURSUANT TO AB 361 AND MAKE REQUIRED FINDINGS

The Board voted to continue virtual meetings pursuant to AB 361 for an additional 30 days based on the findings that (1) it has reconsidered the circumstances of the state of emergency for

COVID-19, and (2) state and local officials continue to impose or recommend measures to promote social distancing.

- END CONSENT CALENDAR -

ACTION CALENDAR

APPROVAL OF TRI-COUNTY FUNDING AREA COORDINATING COMMITTEE (TRI-COUNTY FACC) THIRD AMENDMENT TO MEMORANDUM OF UNDERSTANDING FOR SHARING OF FUNDS WITHIN THE SAN DIEGO FUNDING AREA BY THE SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATERSHED MANAGEMENT (IRWM) AREA FOR PROPOSITION 1 IRWM FUNDS

Upon MOTION by Director McVicker, seconded by Director Thomas, and carried (7-0), the Board authorized the President of the board to execute the Third Amendment to the Memorandum of Understanding (MOU) for Integrated Regional Water Management Planning and Funding in the San Diego Funding Area, as presented. Approval of the Amendment will provide for approximately \$3.27 million in remaining Proposition 1 Integrated Regional Watershed Management (IRWM) implementation grant funds for the South Orange County IRWM funding area. Said MOTION was adopted by the following roll call vote:

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

ADOPT RESOLUTION APPROVING THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (CalOES) HIGH-FREQUENCY COMMUNICATIONS EQUIPMENT PROGRAM GRANT SUBAWARD

Upon MOTION by Director McVicker, seconded by Director Dick, and carried (7-0), the Board adopted RESOLUTION NO. 2124 regarding execution of the California Office of Emergency Services (CalOES) High-Frequency Communication Equipment Program application, and approved designation of the WEROC Director of Emergency Management and the General Manager as designated Authorized Agents, the ability to accept and implement the award once received. Said action was adopted by the following roll call vote:

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

INFORMATION CALENDAR**GENERAL MANAGER'S REPORT, MARCH 2022**

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

General Manager Hunter provided an update on the facilitated discussions with the member agencies, noting the report will be presented to the Member Agency Managers meeting and Planning & Operations Committee in April.

Director Tamaribuchi encouraged staff to complete the OC Reliability Study by June 2022.

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. Due to COVID 19, many of the meetings outlined were attended virtually.

Director Nederhood advised that he attended all of the regularly scheduled MWDOC meetings (Planning & Operations, Administration & Finance, and Executive Committee meetings, as well as the Workshop and Regular Board meetings), the Urban Water Institute conference, a meeting with Supervisor Chaffee regarding WEROC, the MET Board meeting, the MWDOC Water Policy dinner, WACO and WACO Planning meetings, and several Yorba Linda Water District (YLWD) Board meetings and budget planning meeting.

Director Dick reported on attending all of the regularly scheduled MWDOC meetings (Planning & Operations, Administration & Finance, and Executive Committee meetings, as well as the Regular Board meeting) the regularly scheduled MET Board and Committee meetings, the Urban Water Institute conference, a meeting with Supervisor Wagner re WEROC, the MWDOC Water Policy dinner, a meeting with John Hanna (Carpenters Union) regarding possible apprenticeship programs, the MET Budget review meeting, the ISDOC meeting, and the WACO and WACO Planning meetings.

Director McVicker reported that he attended all of the regularly scheduled MWDOC meetings (Planning & Operations, Administration & Finance, and Executive Committee meetings, as well as the Workshop and Regular Board meetings), the MWDOC Water Policy dinner, the ACWA Water Quality Committee meeting, the MET Executive and Special Finance Committee meetings, the ASCE luncheon meeting regarding sustainable development goals, the WACO meeting, the MET Committee meetings, and the OCBC Infrastructure Committee meeting.

Director Seckel advised that he attended all of the regularly scheduled MWDOC meetings (Planning & Operations, Administration & Finance, and Executive Committee meetings, as well as the Workshop and Regular Board meetings), MET's Special Budget Committee meeting, the MET/SCWD briefing regarding the Doheny Desalination Project, the San Juan Basin Authority meetings (2), the Urban Water Institute conference, the North County Climate Change Alliance meeting, the San Diego Regional Quality Control Board meeting regarding Doheny, and the MET Board and Committee meetings.

Director Tamaribuchi reported on attending the regularly scheduled MWDOC meetings (Planning & Operations, Administration & Finance, and Executive Committee meetings, as well as the Workshop and Regular Board meetings), the regularly scheduled MET Board and Committee meetings, the Urban Water Institute Conference, a meeting with MET General Manager Adel Hagekhalil, the MWDOC Water Policy dinner, several MWDOC/MET Director meetings, the MET Caucus, the WACO meeting, the OCBC Government Affairs and Infrastructure Committee meetings, the ACC-OC Energy & Environment Committee meeting, and the ACWA Climate Change Workgroup meeting.

Director Thomas stated that he attended all of the regularly scheduled MWDOC meetings (the Planning & Operations, Administration & Finance, and Executive Committee meetings, as well as the Workshop and Regular Board meetings), the MWDOC Water Policy dinner, the WACO meeting, the Urban Water Institute conference, and the MET/SCWD briefing regarding the Doheny Desalination Project.

Director Yoo Schneider advised that she attended all of the regularly scheduled MWDOC meetings (Planning & Operations, Administration & Finance, and Executive Committee meetings, as well as the Workshop and Regular Board meetings), the Water Environment Federation (WEF) Diversity, Equity & Inclusion Board and Committee meetings, two SMWD Board meetings, the SMWD Administration & Finance and Water Quality & Treatment Committee meetings, the SCWD Board meeting, a meeting with the new Executive Director of Going Native, a meeting with the Grand Jury, the California WEA Executive Committee meeting, the San Diego Women in Water planning meeting, the LBCWD Commission meeting, and the CA WEA Program & Development meetings. She advised that she participated in the Stella Whale Statuettes event at the Wyland Foundation's Festival of Whales event, and was guest speaker at a Chapman University event.

a. REQUESTS FOR FUTURE AGENDA TOPICS

Director Seckel requested that sometime in the future, it would be good to have an update/evaluation on how the decrease in water sales (MET) will affect MET (e.g., rates and IRP, etc.).

Director Dick suggested the Board authorize a letter of support for S.623 (Rubio/Sunshine Protection Act of 2021; it was noted this would be presented to the Board on March 2, 2022.

CLOSED SESSION ITEMS

At 8:50 a.m., Legal Counsel Byrne advised that the Board would adjourn to closed session to

address the following items:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water District of Southern California on April 13, 2010, et al., former Los Angeles Superior Court, Case No. BS 126888, transferred on October 21, 2010, to San Francisco Superior Court, Case No. CPF-10-510830 and related appeal.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water District of Southern California on April 10, 2012 to be Effective January 1, 2013 and January 1, 2014; and Does 1-10, et al., former Los Angeles Superior Court, Case No. BS137830, transferred on August 23, 2012, to San Francisco Superior Court, Case No. CPF-12-512466 and related appeal.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water of Southern California on April 8, 2014, et al., former Los Angeles Superior Court, Case No. BC547139, transferred on December 2, 2014, to San Francisco Superior Court, Case No. CPF-14-514004.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water District of Southern California on April 12, 2016, effective January 1, 2017 and January 1, 2018, et al., former Los Angeles Superior Court, Case No. No. BS161729, transferred to San Francisco Superior Court, Case CPF-16-515282.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water District of Southern California on April 10, 2018 to be effective January 1, 2019, and Jan. 1, 2020, et al., Los Angeles Superior Court, Case No. BS 173868, Transferred to San Francisco Superior Court, Case CPF-18-516389.

RECONVENE

The Board reconvened at 9:39 a.m., and Legal Counsel Carson announced that she disclosed to the Board in closed session that Mr. Steven O'Neill is contemplating joining Aleshire & Wynder with five clients that are involved in the MET/SDCWA litigation case (Foothill MWD,

West Basin MWD, Eastern MWD, Western MWD, and Las Virgenes MWDOC). She further disclosed to the Board that Mr. O'Neill also represents Upper San Gabriel Valley MWD, and has represented MET on unrelated matters.

Director Thomas made a MOTION to continue with representation by Aleshire & Wynder, with informed consent that Mr. Steven O'Neill is joining the firm. This MOTION was seconded by Director Seckel and approved unanimously (7-0) by roll call vote.

ADJOURNMENT

There being no further business to come before the Board, President Yoo Schneider adjourned the meeting at 9:41 a.m.

Respectfully submitted,

Maribeth Goldsby, Secretary