

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
October 19, 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 in memory of SCWD Director Wayne Rayfield who recently passed away, Director of Water Use Efficiency Joe Berg 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, Dir. of Engineering/Dist. Eng.
Hilary Chumpitazi, Accounting Manager
Tiffany Baca, Public Affairs Manager
Vicki Osborn, Director of Emergency Management
Joe Berg, Director of WUE Programs
Cathy Harris, Director of HR and Administration
Trent Blue, Water Loss Control Intern
Nate Shepard, Public Affairs Coordinator
Claire Johnson, Water Use Efficiency Intern
Tina Fann, WUE Analyst
Cristal Castro, WUE Program Assistant
Melissa Hurtado, WUE Intern
Dave Anderson, WEROC Specialist

ALSO PRESENT

Dennis Erdman
Linda Ackerman
Christine Carson
Doug Davert
Kathryn Freshley
Mike Gaskins
Kay Havens
Mark Monin
Dennis Cafferty
Doug Reinhart
Paul Weghorst
Jim Atkinson
Stacy Taylor
Don Froelich
Sherry Wanninger

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

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|-------------------|--|
| Kelly Rowe | Orange County Water District |
| Mike Markus | Orange County Water District |
| John Kennedy | Orange County Water District |
| Alicia Dunkin | Orange County Water District |
| Saundra Jacobs | Santa Margarita Water District |
| Justin McCusker | Santa Margarita Water District |
| Jim Leach | Santa Margarita Water District |
| Chip Monaco | Santa Margarita Water District |
| Erica Castillo | Santa Margarita Water District |
| Greg Mills | Serrano Water District |
| Jennifer Lopez | South Coast Water District |
| Glen Acosta | Trabuco Canyon Water District |
| Fernando Paludi | Trabuco Canyon Water District |
| Brooke Jones | Yorba Linda Water District |
| Wayne Miller | Yorba Linda Water District |
| Dick Ackerman | Ackerman Consulting |
| Lisa Ohlund | Ohlund Management & Technical Services |
| Kristy Khachigian | KK Consulting |

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.

EMPLOYEE INTRODUCTIONS

The following new employees were introduced to the Board: Trent Blue, Water Loss Control Intern, Claire Johnson, WUE Intern, Tina Fann, WUE Analyst, Cristal Castro, WUE Program Assistant, Melissa Hurtado, WUE Intern, Nate Shepard, Public Affairs Coordinator, and Dave Anderson, WEROC Specialist.

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 Nederhood asked that Item No. 5 (Approve Continuation of Remote Meetings Pursuant to AB 361 and Make Required Findings) be pulled from the Consent Calendar for further discussion.

Upon MOTION by Director Seckel, seconded by Director Dick, and carried (6-0) the Board approved the balance of Consent Calendar items, by the following roll call vote:

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

MINUTES

The following minutes were approved.

- September 7, 2022 Workshop Board Meeting
- September 21, 2022 Regular Board Meeting
- September 21, 2022 MWDOC Water Facilities Corporation Board Meeting

COMMITTEE MEETING REPORTS

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

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|---|--------------------|
| Planning & Operations Committee Meeting: | September 6, 2022 |
| Administration & Finance Committee Meeting: | September 14, 2022 |
| Executive Committee Meeting: | September 21, 2022 |

TREASURER'S REPORTS

The following items were ratified and approved as presented.

- MWDOC Revenue/Cash Receipt Register as of September 30, 2022
- MWDOC Disbursement Registers (September/October)

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 August 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 August 31, 2022

- END CONSENT CALENDAR -

ITEMS PULLED FROM CONSENT CALENDAR FOR FURTHER DISCUSSION

(Director Thomas joined the meeting at 8:45 a.m.)

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

Director Nederhood reiterated his desire to hold in-person meetings, noting the benefits of in-person meetings. Director Seckel highlighted the increased number of meeting participants since the District commenced meetings via Zoom versus in-person meetings.

Director of Emergency Management, Vicki Osborn provided an overview of the status of COVID-19 in in the County and State.

Upon MOTION by Director Seckel, seconded by Director Dick, and carried (6-1), 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, by the following roll call vote:

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

ACTION CALENDAR

2020 CENSUS POPULATION AND HOUSING UNIT DISAGGREGATION INTO ORANGE COUNTY WATER PROVIDER SERVICE AREAS – CDR WORK ORDER #125

Upon MOTION by Director Seckel, seconded by Director McVicker, and carried, the Board approved CDR Work Order #125 in the amount of \$13,805.52 to divide up the 2020 Census population and housing data into the Orange County water provider service areas (to be funded from Reserves), by the following roll call vote:

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

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

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

Mr. Hunter highlighted the activities of the ad hoc committees regarding the reserves and facilitated discussions.

Following discussion, 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 Nederhood advised that he attended all of the regularly scheduled MWDOC meetings except the Executive Committee meeting (Planning & Operations and Administration & Finance Committee meetings, as well as the Workshop and Regular Board meetings), the MET Board and Committee meetings, the WACO and WACO Planning meetings, a meeting with Mark Toy (YLWD's new General Manager), a meeting with Heather Baez regarding the Legislative Policy Principles, and the OC Water Summit.

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 Ad Hoc Committee meeting regarding the Grand Jury report, a meeting with Deven Upadhyay (MET staff), the OC Taxpayers Association meeting, the ISDOC Executive Committee meeting, the MET Caucus, the WACO and WACO Planning meetings, a MET legal ad hoc committee meeting, and a meeting with Heather Baez regarding the Legislative Policy Principles.

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 Board meeting and Regular Board meetings), the ISDOC Executive Committee meeting, the WACO meeting, the MET Board and Committee meetings, and the OCBC Infrastructure Committee meeting.

Director Seckel advised that he attended the regularly scheduled MWDOC meetings (Planning & Operations, Administration & Finance, and Executive Committee meetings, as well as the Workshop and Regular Board meetings), the WACO and WACO planning meetings, the OC Water Summit and associated planning meetings and speakers dinner, the Ad Hoc Committee meeting regarding the Grand Jury report (with OCWD), the MET Committee meetings (including the Executive Committee), the YLWD reception in honor of their new General Manager Mark Toy, the Southern California Water Dialogue Group meeting, the ad hoc committee meetings regarding the facilitated discussions and reserves), a meeting with Heather Baez regarding the

Legislative Policy Principles, the Coastal Commission's hearing regarding the Doheny Desalination Project, and an update on the California Water Plan

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 Ad Hoc Committee meeting regarding the Grand Jury report (with OCWD), Ethics and Harassment Prevention Trainings, two MWDOC/MET Director meetings, a meeting with MET staff regarding non-functional turf and IRP implementation, the YLWD Board meeting and reception in honor of their new General Manager Mark Toy, the Delta Conveyance webinar, the MET Caucus, the WACO meeting, the Coastkeepers annual dinner, and the Coastal Commission's hearing regarding the Doheny Desalination Project.

Director Thomas stated that he attended the regularly scheduled MWDOC meetings, except the Executive Committee meeting, (the Planning & Operations and Administration & Finance Committee meetings, as well as the Workshop and Regular Board meetings), the OC Water Summit and associated planning meetings and speakers dinner, the WACO meeting, Ethics and Harassment Prevention Trainings, and the Coastal Commission's hearing 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 SMWD Committee and Board meetings, the LBCWD Commission meeting, the Water Environment Federation (WEF) Utility Management and Diversity, Equity & Inclusion meetings, the Coastal Commission's hearing regarding the Doheny Desalination Project, the MET Board meeting, and the Laguna Beach City Council meeting.

a. REQUESTS FOR FUTURE AGENDA TOPICS

No requests for future agenda topics were received.

CLOSED SESSION ITEMS

At 9:01 a.m., Legal Counsel Byrne announced that the Board would adjourn to closed session to discuss the following items. It was noted that the Board would first meeting with Legal Counsel Carson regarding litigation, and would follow with the public employee performance evaluation.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: General Manager
Government Code Section 54957

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, now 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. BS161729, transferred to San Francisco Superior Court, now 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, now Case CPF-18-516389.

RECONVENE/ANNOUNCEMENTS FROM CLOSED SESSION

The Board reconvened at 9:57 a.m., and Secretary Goldsby announced that no reportable action was taken in closed session with respect to the Public Employee Performance Evaluation.

She also announced that with respect to the litigation matters, Legal Counsel Carson advised the Board that a partner at Aleshire & Wynder may be drafting a conflict of interest code for San Diego, and the Board consented to continued representation of MWDOC on the San Diego County Water Authority v. Metropolitan Water District of Southern California litigation matters. This vote was motioned by Director Seckel, seconded by Director McVicker and approved by a vote of 6-0, by the following roll call vote:

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

ADJOURNMENT

There being no further business to come before the Board, President Yoo Schneider adjourned the meeting at 9:59 a.m.

Respectfully submitted,

Maribeth Goldsby, Secretary