



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

May 19, 2022

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, May 19, 2022, with Director GEORGE MURDOCH leading the Pledge of Allegiance. Pursuant to Government Code Section 54953(e), and related findings of the Board of Directors, there was no public location for attending this board meeting in-person. JEFFREY HOSKINSON, Secretary, recorded the minutes of the meeting.

The following Directors attended the meeting: Directors RICHARD BELL, DOUGLASS DAVERT, GEORGE MURDOCH, and JOHN SEARS. Former Director JOHN DULEBOHN tendered his resignation on or about April 1, 2022, effective April 14, 2022, and as such a vacancy existed on the Board relative to his previous position. MARILYN THOMS attended the meeting as an applicant for the vacant position, until such time, as noted herein, she was appointed to the Board as a Director.

Also present were:

DAVID YOUNGBLOOD	General Manager
JERRY MENDZER	Operations Manager
JEFF SMYTH	Engineering Manager
JULIAN DE LA O SOLIS	Administrative Assistant
JEFF HOSKINSON	District Secretary and Legal Counsel
CINDY BYERRUM	Public (videoconference)

There was no in-person location provided due to COVID-19 restrictions currently in-place. Other staff and members of the public may have attended via videoconference that are not listed.

State of Emergency Virtual Meeting Findings.

ACTION TAKEN: The Board, on motion from SEARS, seconded by MURDOCH, by unanimous vote renewed for an additional 30 days its prior Government Code section 54953(e) findings, authorizing the continued use of emergency teleconferencing procedures for all District meetings as (1) the State of Emergency declared by Governor Newsom on March 4, 2020, relative to the COVID-19 emergency, remains in effect; and (2) Orange County public health officials continue to recommend measures to promote social distancing in connection with such emergency, and the Board finds that the provision of a physical location for the District's meetings, in light of the existing rate of community transmission and the small meeting space available to the District, would present imminent risks to the health and safety of attendees.

Addition of Items Arising After Posting of Agenda Requiring Immediate Action.
(Requires 2/3 vote or unanimous vote if less than 2/3 of members are present).

ACTION TAKEN: The Board, on motion from MURDOCH, seconded by SEARS, by unanimous roll-call vote and based on an urgency that came to the attention after the posting of the agenda, added item: Closed Session: Claim Consideration.

Public Communications to the Board. No public comments were presented. Ms. Prado confirmed that the District had not received any e-mail communications for public comment.

Consent Calendar. The Board, on motion from SEARS, seconded by BELL, approved the Consent Calendar items by unanimous roll-call vote, as follows:

5. **Minutes:** THE MINUTES OF THE APRIL 21, 2022 REGULAR MEETING OF THE BOARD WERE APPROVED AS SUBMITTED;
6. **Schedules of Disbursements:** THE BOARD APPROVED THE SCHEDULES OF DISBURSEMENTS AS SUBMITTED;
7. **General Manager's Report:** THE BOARD RECEIVED AND FILED THE GENERAL MANAGER'S REPORT;
8. **Financial Statements:** THE BOARD RECEIVED AND FILED THE FINANCIAL STATEMENTS;
9. **Wholesale and Retail Water Usage Report:** THE BOARD RECEIVED AND FILED THE WHOLESALE AND RETAIL WATER USAGE REPORT;
10. **2022 Election – Candidate Statements:** Authorize candidate statements to contain no more than 400 words at no cost to District;
11. **Surplus Equipment:** Declare items surplus and direct staff to dispose of the items per District policy;
12. **Barrett Booster Pump Station:** Authorize notice of exemption for project;
13. **Sewer Pipe Rehabilitation:** Authorize contract with Sancon for \$220,199;
14. **CRA Project Engineering and Construction Management Support:** Approve an agreement with HDR for \$363,700 and Amendment #2 with Butier for \$594,100.

Matters for Consideration.

15. Board Member Appointment. President DAVERT presented the item, and noted that the District received one application to fill the vacancy from Marilyn Thoms.

ACTION TAKEN: The Board, on motion by BELL, seconded by SEARS, by unanimous roll-call vote, appointed Marilyn Thoms to fill the vacancy on the Board of Directors left by the resignation of Director Dulebohn.

**** THE BOARD TOOK ITEM 20 OUT OF ORDER**

20. Monthly Legislative & Outreach Report. Hon. John Lewis of Lewis Consulting presented an oral update to his written report relative to current political issues, including the Orange County Board of Supervisors and other local issues.

ACTION TAKEN: The Board, on motion by MURDOCH, seconded by DAVERT, by unanimous roll-call vote, received and filed the Monthly Legislative and Outreach Report.

**** GENERAL COUNSEL JEFF HOSKINSON ADMINISTERED THE OATH OF OFFICE TO MARILYN THOMS. DIRECTOR THOMS AT THIS POINT TOOK HER SEAT ON THE BOARD FOR THE REMAINDER OF THE MEETING, ATTENDING VIA VIDEOCONFERENCE.**

16. Board Reorganization. President DAVERT presented the item relative to filling the vacancy of Vice-President left by the resignation of former Director John Dulebohn. President DAVERT moved to appoint Director GEORGE MURDOCH as Vice-President.

ACTION TAKEN: The Board, on motion by DAVERT, seconded by BELL, by unanimous roll-call vote elected Director MURDOCH as Vice-President of the Board.

17. Vista Panorama Reservoir Update. General Manager Youngblood provided an update on the Vista Panorama Project, including bid status and project options, with additional information provided by Engineering Manager Jeff Smyth.

ACTION TAKEN: Information Only.

18. VanderWerff Well Equipping. General Manger Youngblood presented the item, providing an update on the current project status, noting that Pascal and Ludwig, Orange County Water District's contractor, is already on-site, and thus in a position to complete the project at a reduced cost. Staff recommended a deviation from competitive bidding policy, in light of existing mobilization and cost savings. Engineering Manager Jeff Smyth confirmed that the costs were reviewed against cost estimates.

ACTION TAKEN: The Board, on motion by BELL, seconded by THOMS, by unanimous roll-call vote, awarded a contract to Pascal and Ludwig Constructors in the amount of \$1,327,151, with a \$132,849 contingency for the General Manager, with a finding of good cause to proceed without competitive bidding due to the contractor already mobilized on site, District staff having bench marked the bid against others, and the need to proceed quickly.

Miscellaneous Items.

19. Directors' reports on meetings attended at District expense (Government Code Section 53232.3) and Directors' comments. The Directors reported attendance as set forth in the agenda, as follows:

President Davert

**4/8 Administrative & Finance Committee Meeting
4/13 OC LAFCO Commission Meeting
4/21 EOCWD Regular Board Meeting**

Director Bell

**4/7 EOCWD Engineering & Operations Committee Meeting
4/21 EOCWD Regular Board Meeting**

Director Murdoch

**4/7 EOCWD Engineering & Operations Committee Meeting
4/12 ACWA Region 10 Board Meeting
4/13 ACWA Preferred Provider Program Subcommittee Meeting
4/19 ACWA Region 10 Event Workgroup
4/20 ACWA Business Development Committee Meeting
4/21 EOCWD Regular Board Meeting
4/27 ACWA Region 10 State Legislative Committee Prep Meeting**

Director Sears

**3/31 Foothill Communities Association Meeting
4/1 Water Advisory Committee of Orange County (WACO) Meeting
4/8 Administrative & Finance Committee
4/12 Fire Safe Council Meeting
4/21 EOCWD Regular Board Meeting**

Director SEARS provided an update on former Director Vanderwerff, along with some drought discussion. President DAVERT noted that he and Director SEARS testified at the Coastal Commission in support of the Poseidon Project. Director BELL noted that he listened to the hearing, and believed the reasons for the denial to be outrageous. Director BELL also provided an update on the ACWA Conference in Sacramento.

Closed Session. At the request of President DAVERT, General Counsel Hoskinson introduced the items, including noting that the added Closed Session item related to a claim submitted to the District by John Wolcott. At approximately 5:39 p.m., the Board recessed into Closed Session to discuss as follows:

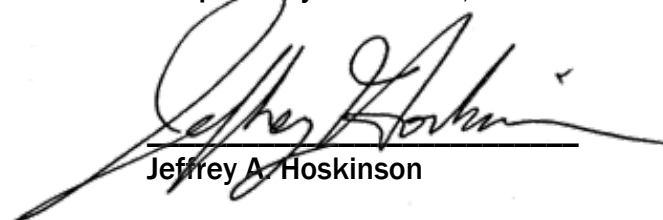
1. Conference with Legal Counsel - Existing Litigation (Govt Code § 54956.9(d)(1))– *Irvine Ranch Water District v. Orange County Water District*, Case No. 30-2016-00858584-CU-WMCJC.
2. Conference with Real Property Negotiators (Govt. Code § 54956.8):
Property: 2343 Handy Creek Road (Orange County APN: 105-015-32)
Agency Negotiator: David Youngblood, General Manager
Jeff Hoskinson, General Counsel
Negotiating Parties: Crown Castle MU LLC and New Cingular Wireless PCS/AT&T
Under Negotiation: Lease and Terms of Payment
3. Conference with Legal Counsel – Potential Litigation (Govt. Code § 54956.9(d)(4)): *AT&T and T-Mobile Communications (Vista Panorama)*
4. Conference with Legal Counsel – Potential Litigation (Govt. Code § 54956.9(d)(4)): Claim of John Wolcott

Report Out of Closed Session: The Board reconvened in Open Session at approximately 6:17pm, with General Counsel Hoskinson reporting that as to Item No. 4, and the Claim of John Wolcott, the Board, on motion by SEARS, seconded by MURDOCH, by unanimous roll-call vote rejected the claim of Mr. Wolcott.

Adjournment.

The Board adjourned the meeting at or around 6:22 p.m. to the next Regular Meeting of the Board of Directors on **Thursday, June 16, 2022**, at 5:00 p.m., to be held on-line pursuant to Government Code Section 54953(e) and, as applicable, in the offices of the East Orange County Water District, 185 N. McPherson Road, Orange, California.

Respectfully submitted,



Jeffrey A. Hoskinson