

MINUTES OF REGULAR MEETING – March 22, 2021

The regular meeting of the Board of Directors of the Irvine Ranch Water District (IRWD) was called to order at 5:00 p.m. by President Reinhart on March 22, 2021 via teleconference pursuant to the provisions of the Governor’s Executive Orders N-25-20 and N-29-20 due to COVID-19. Members of the public did not attend this meeting in person.

Directors Present: LaMar, McLaughlin, Swan, Withers, and Reinhart.

Directors Absent: None.

Also Present: General Manager Cook, Executive Director of Technical Services Burton, Executive Director of Water Policy Weghorst, Executive Director of Finance and Administration Clary, Director of Treasury and Risk Management Jacobson, Executive Director of Operations Chambers, Director of Water Quality and Regulatory Compliance Colston, Director of Recycling Operations Zepeda, Director of Information Services Malone, Director of Water Resources Sanchez, Director of Maintenance Mykitta, Director of Human Resources Mitcham, Government Relations Officer/Deputy General Counsel Compton, Secretary Bonkowski, General Counsel Collins, Special Counsel Casey, Consultant Newell, and members of staff and the public.

WRITTEN AND ORAL COMMUNICATIONS: None.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED: None.

CONSENT CALENDAR

On MOTION by Withers, seconded by LaMar, and unanimously carried by a roll call vote (5-0) Withers, McLaughlin, Swan, LaMar and Reinhart voting aye, and 0 noes, ITEMS 3 THROUGH 9 WERE APPROVED AS FOLLOWS:

3. BOARD MEETING MINUTES

Recommendation: That the minutes of the February 22, 2021 Regular Board meeting be approved as presented.

4. RATIFY/APPROVE BOARD OF DIRECTORS’ ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Steven LaMar, Karen McLaughlin, Douglas Reinhart, Peer Swan, and John Withers, as described.

5. 2021 LEGISLATIVE AND REGULATORY UPDATE

Recommendation: That the Board adopt an “OPPOSE” position on AB 377 (R. Rivas) and AB 1434 (Friedman), an “OPPOSE UNLESS AMENDED” position on SB 222 (Dodd), a “SUPPORT IF AMENDED” position on AB 1500

(E. Garcia), SB 45 (Portantino) and SB 427 (Eggman), and a “SUPPORT” position on ACR 17 (Voepel), SB 552 (Hertzberg) and H.R. 1015 (Napolitano).

CONSENT CALENDAR (CONTINUED)

6. FEBRUARY 2021 TREASURY REPORT

Recommendation: That the Board receive and file the Treasurer’s Investment Summary Report, the Summary of fixed and variable rate debt, and Disclosure Report of Reimbursements to Board members and staff, approve the February 2021 Summary of Payroll ACH payments in the total amount of \$2,495,663, and approve the February 2021 Accounts Payable Disbursement Summary of warrants 415330 through 416090, Workers’ Compensation distributions, wire transfers, payroll withholding distributions and voided checks in the total amount of \$18,057,064.

7. SANTIAGO HILLS ZONE C+ RESERVOIR STRAINER MODIFICATIONS FINAL ACCEPTANCE

Recommendation: That the Board accept construction of the Santiago Hills Zone C+ Reservoir Strainer Modifications, authorize the General Manager to file a Notice of Completion, and authorize the payment of the retention 35 days after the date of recording the Notice of Completion for Project 05407.

8. SAND CANYON MEDICAL OFFICE LEASE EXTENSION

Recommendation: That Board approve the lease rate and terms for the extension of IRWD’s Lease with Reproductive Sciences Management Company, Inc. at the Sand Canyon Medical Office property and authorize the General Manager to execute the necessary lease extension documents.

9. SILVERADO CANYON BRIDGE 175 TEMPORARY DOMESTIC WATER BYPASS BUDGET INCREASE AND CONSTRUCTION AWARD

Recommendation: That the Board authorize a budget increase in the amount of \$170,000, from \$504,900 to \$674,900, and authorize the General Manager to execute a construction contract with T.E. Roberts, Inc. in the amount of \$215,188 for the Silverado Canyon Bridge 175 Temporary Domestic Water Bypass, Project 11587.

ACTION CALENDAR

TURTLE ROCK ZONE 3 RESERVOIR CHLORAMINE BOOSTER STATION BUDGET ADDITION AND CONSULTANT SELECTION

Executive Director of Technical Services Burton reported that this project will install a chloramine booster station at the Turtle Rock Zone 3 Reservoir and Zone 3 to 4 Pump Station site to improve water quality and reduce nitrification events by maintaining proper chlorine residual and mixing in the reservoir. Mr. Burton said that the scope of design for this project includes a new chloramine booster station building with chemical storage and dosing facilities,

a new reservoir mixing system and new access from the chemical building to the top of the buried reservoir. Mr. Burton said that the major challenge for the design will be siting the new chemical building entirely within IRWD property, adjacent to the Turtle Rock Zone 3 to 4 Pump Station, while providing room for chemical deliveries and maintenance access. He said that based on concerns of residents living adjacent to the reservoir site regarding pedestrian use of the reservoir access road at night, the design scope also includes an optional task for a new security fence across the access road to prevent trespassers from using it to access the City of Irvine's open space beyond the existing Turtle Rock Homeowners Association (HOA) fence.

Mr. Burton said that staff issued a request for proposal for the preliminary and final design to seven consultants and three responded with proposals: Dudek, Lee & Ro and Tetra Tech. He said that while each consultant showed a good understanding of the scope of work and Lee & Ro and Dudek expounded their ideas on project approach, staff determined that Lee & Ro demonstrated a greater amount of thought and dedication by providing several alternative building location renderings in its proposal for our consideration. Staff also found that the preliminary siting studies reflect Lee & Ro's superior understanding of the site constraints, and the scope of work and effort required for this project.

Director Withers said that this item was reviewed and approved by the Engineering and Operations Committee on March 16, 2021, and thanked staff for their efforts working with the homeowner association on this matter. On MOTION by Withers, seconded by McLaughlin, and unanimously carried by a roll call vote (5-0) Withers, McLaughlin, Swan, LaMar and Reinhart voting aye, and 0 noes, THE BOARD AUTHORIZED THE ADDITION OF PROJECT 11840, TURTLE ROCK ZONE 3 RESERVOIR CHLORAMINE BOOSTER STATION, TO THE FY 2020-21 CAPITAL BUDGET IN THE AMOUNT OF \$1,705,000 AND AUTHORIZED THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LEE & RO, INC. IN THE AMOUNT OF \$375,477 FOR ENGINEERING DESIGN SERVICES FOR THE TURTLE ROCK ZONE 3 RESERVOIR CHLORAMINE BOOSTER STATION, PROJECT 11840.

#### MICHELSON WATER RECYCLING PLANT TERTIARY FILTER IMPROVEMENTS BUDGET INCREASE AND CONSULTANT SELECTION

This project will rehabilitate the MWRP tertiary filters to improve performance and reliability by replacing deteriorating and obsolete infrastructure and equipment. The scope will include detailed construction sequencing, temporary backwash supply pumping, and temporary instrumentation and control systems to allow the work to proceed while maintaining operation of the tertiary filters.

Director Withers said that this item was reviewed and approved by the Engineering and Operations Committee on March 16, 2021. On MOTION by Withers, seconded by Swan, and unanimously carried by a roll call vote (5-0) Withers, McLaughlin, Swan, LaMar and Reinhart voting aye, and 0 noes, THE BOARD AUTHORIZED A BUDGET INCREASE IN THE AMOUNT OF \$9,409,600, FROM \$466,000 TO \$9,875,600, AND AUTHORIZED THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HDR IN THE AMOUNT OF \$735,163 FOR ENGINEERING DESIGN SERVICES FOR THE MWRP TERTIARY FILTER IMPROVEMENTS, PROJECT 07892.

## DEEP AQUIFER TREATMENT SYSTEM MISCELLANEOUS REHABILITATION CONSTRUCTION AWARD

Executive Director of Technical Services Burton reported that the Deep Aquifer Treatment System (DATS) facility was constructed in 2002 and has operated continuously without any major replacement or repair work. Mr. Burton said that staff has identified several items that require repair and rehabilitation including cracking and spalling on the structural concrete that surrounds the three degasifying units and elsewhere within the facility. He said that the interior coating of the three-fiber glass degasifiers in the post treatment system had failed and needs to be re-coated to maintain integrity along with additional repair and rehabilitation work to improve the integrity and operability of the DATS. He summarized the work which includes the addition of chlorine leak detectors/alarms at the degasifier feed injection points, liquid sodium hypochlorite leak collectors, replacement of the clean-in-place (CIP) pretreatment system's cartridge filters, replacement of all support components for the membrane pressure vessels of the three DATS trains, installation of platforms to allow staff to safely access the CIP tank, demolition of the existing concrete CIP tank pad, reconstruction of the reinforced concrete CIP tank pad to meet updated structural requirements, and replacement of the CIP tank with the addition of a chemical mixer.

Mr. Burton said that the project was originally advertised on January 14, 2021, and no bids were received/ The project was re-bid with one bid was received on March 11, 2021 from Pascal and Ludwig Constructors. He said that staff contacted the other potential bidders, and all lacked the manpower to complete the project properly.

Following discussion, on MOTION by Withers, seconded by LaMar, and unanimously carried by a roll call vote (5-0) Withers, McLaughlin, Swan, LaMar and Reinhart voting aye, and 0 noes, THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH PASCAL AND LUDWIG CONSTRUCTORS IN THE AMOUNT OF \$1,410,717 FOR THE DEEP AQUIFER TREATMENT SYSTEM MISCELLANEOUS REHABILITATION, PROJECT 11483.

## GROUNDWATER WELLS AND TREATMENT AGREEMENT WITH EAST ORANGE COUNTY WATER DISTRICT AND THE CITY OF ORANGE

IRWD and Orange County Water District (OCWD) are currently designing treatment facilities at IRWD's Well OPA-1 that will be used to clean up per- and poly-fluoroalkyl substance (PFAS) contamination in the Orange County Groundwater Basin. OCWD is also designing PFAS treatment facilities for a new well to be constructed by East Orange County Water District (EOCWD) and two new wells to be constructed by the City of Orange (City). Mr. Weghorst said that to facilitate the mutual interests of IRWD, EOCWD and the City in pumping water from the wells, an agreement has been prepared where the parties would acknowledge and agree that: 1) pumping of the wells will have a less-than-significant impact; 2) the agencies will not challenge any aspect of their respective well and treatment projects or related CEQA documents; 3) should any of the three agencies have difficulty pumping from one of the wells, the parties would meet to discuss and evaluate the problems, and would develop and implement a mutually acceptable solution to any identified impacts; and 4) IRWD's additional pumping at Well OPA-1 could be used to serve water outside the sphere of influence of the City of Orange and inside IRWD's service area. He said that OCWD is fast-tracking the design, and if there are

any changes to be reviewed, he recommended that the agreement be reviewed by Committee for approval. Following discussion, on MOTION by McLaughlin, seconded by Withers, and unanimously carried by a roll call vote (5-0) Withers, McLaughlin, Swan, LaMar and Reinhart voting aye, and 0 noes, THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE THE GROUNDWATER WELLS AND TREATMENT AGREEMENT WITH EAST ORANGE COUNTY WATER DISTRICT AND THE CITY OF ORANGE SUBJECT TO SUBSTANTIVE CHANGES APPROVED BY THE ENGINEERING AND OPERATIONS COMMITTEE.

ONE-FOR-ONE EXCHANGE WITH DUDLEY RIDGE WATER DISTRICT REQUIRING WATER TO BE USED IN KERN COUNTY

Director of Water Resources Sanchez reported that IRWD's long-term unbalanced exchange program with Buena Vista provides IRWD access to high-flow supplies, which are non-State Water Project (SWP) supplies stored in the Water Bank, and as of March 2021, IRWD has 20,685 AF of non-SWP supplies in storage. Ms. Sanchez said that in 2017, IRWD entered into a mutually beneficial long-term one-for-one exchange program with Dudley Ridge that allows IRWD to exchange its non-SWP water for an equal amount of Dudley Ridge's SWP Table A water. This agreement allows IRWD to make up to 40,000 AF of non-SWP water available for delivery to Dudley Ridge landowners. This one-for-one exchange program provides water supply assistance to Dudley Ridge landowners with agricultural operations in both Kern County and the Dudley Ridge service area through the use of IRWD's non-SWP water in Kern County during water-short years.

Ms. Sanchez said that this year's SWP allocation is currently set at 10% and, although this may be increased, this year is expected to be dry. Consistent with the terms of the long-term one-for-one exchange agreement, staff recommends the Board approve delivery of up to 15,000 AF of IRWD's stored non-SWP water for use by Dudley Ridge landowners in Kern County. In exchange, Dudley Ridge would return an equal amount of Table A water to IRWD within five years (unless extended) when the SWP allocation is 65% or greater. IRWD would benefit from the exchange by being able to use the SWP water in IRWD's service area consistent with the Coordinated Operating and Exchange Agreement with Metropolitan Water District and MWDOC.

Director Reinhart reported that this item was reviewed by the Supply Reliability Programs Committee on March 18, 2021, and on MOTION by Reinhart, seconded by Withers, and unanimously carried by a roll call vote (5-0) Withers, McLaughlin, Swan, LaMar and Reinhart voting aye, and 0 noes, THE BOARD APPROVED DELIVERY OF UP TO 15,000 ACRE-FEET OF IRWD'S STORED NON-SWP WATER FOR USE BY DUDLEY RIDGE WATER DISTRICT LANDOWNERS IN KERN COUNTY IN EXCHANGE FOR STATE WATER PROJECT TABLE A WATER FROM DUDLEY RIDGE WATER DISTRICT CONSISTENT WITH THE TERMS OF THE 2017 AGREEMENT BETWEEN DUDLEY RIDGE WATER DISTRICT AND IRVINE RANCH WATER DISTRICT FOR A LONG-TERM EXCHANGE PROGRAM.

OPTIONS FOR USE OF DUDLEY RIDGE WATER DISTRICT SUPPLIES STORED IN IRWD'S WATER BANK

Director of Water Resources Sanchez reported that IRWD receives an allocation of State Water Project (SWP) water supplies through ownership of the Jackson Ranch, located within the Dudley Ridge Water District, and currently IRWD is limited by the SWP Contract to making use of 50% of the allocated SWP Table A supplies in the IRWD service area. Any portion of the water not

deliverable to IRWD must be returned to Dudley Ridge for use on IRWD's Jackson Ranch or on other lands in Dudley Ridge. Ms. Sanchez said that using the water that must be returned to Dudley Ridge in a way that results in additional water being available to IRWD in its service area and that also results in funds to offset IRWD's capital investments in its water banking projects is recommended at this time.

Director Reinhart said that this item was reviewed and approved by the Supply Reliability Programs Committee on March 18, 2021, and on MOTION by Reinhart, seconded by Swan, and unanimously carried by a roll call vote (5-0) Withers, McLaughlin, Swan, LaMar and Reinhart voting aye, and 0 noes, THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH DUDLEY RIDGE WATER DISTRICT FOR THE SALE OF UP TO 5,000 AF OF STATE WATER PROJECT WATER AT \$650 PER ACRE-FOOT THAT MUST BE RETURNED TO DUDLEY RIDGE WATER DISTRICT CONTINGENT UPON DUDLEY RIDGE WATER DISTRICT EXERCISING THE ONE-FOR-ONE EXCHANGE PROGRAM FOR A MINIMUM OF 10,000 AF OF KERN RIVER WATER FOR USE IN KERN COUNTY.

### GENERAL MANGER'S REPORT

General Manager Cook reported there were no new cases of COVID-19, and that the District is continuing with testing at MWRP, and that all tests were negative. In response to President Reinhart's inquiry, Mr. Cook said that utilities are now recognized for receiving vaccines.

Mr. Cook said that IRWD is at \$1.8 million outstanding for unpaid customer billing.

### COMMUNITY UPDATE

Consultant Newell reported on the damage caused in Silverado Canyon by the recent rains.

### DIRECTORS' COMMENTS

Director Withers reported that Mr. Jose Solario was appointed to the California Water Commission and suggested that the District send a letter of congratulations. He said that he and Director Reinhart received letters of congratulations from Mesa Water District on being elected President and Vice President for 2021 which he appreciated.

Mr. Withers reported on his attendance at an ACWA DC 2021 Washington, DC virtual conference which he enjoyed. He further reported that he will be attending an OCSD Board meeting this Wednesday and was looking forward to the District's Business Outreach event on April 1.

Director Swan reported on his attendance at an ACWA DC 2021 Washington, DC virtual conference, a Water Dialogue meeting, a MWDOC Planning and Operations Committee meeting, a Newport Beach Chamber of Commerce meeting, a WACO meeting, an OCWD Water Issues Committee and Finance Committee meeting, a Groundwater Banking JPA Finance Committee meeting, a WACO Planning meeting, a Water Dialogue Steering Committee meeting, an IRWD virtual tour of the San Joaquin Wildlife Sanctuary, a MWDOC Board Meeting, and a Newport Bay Watershed Executive Committee meeting.

Director McLaughlin reported on her attendance at an ACWA DC 2021 Washington, DC virtual conference, a Southern California Water Coalition Legislative Task Force meeting, a Santiago Aqueduct Commission Quarterly meeting, a SOCWMA Executive Committee meeting, a Newport Bay Executive Committee meeting, and an NCC Board meeting.

Director LaMar reported on his attendance at an ACWA DC 2021 Washington, DC virtual conference, a Riverside County Water Task Force meeting, a WACO meeting, an ACWA Virtual Legislative Symposium, and an NCC Board meeting.

Director Reinhart reported on his attendance at a MWDOC Board meeting, an OCWD Board meeting, a meeting with IRWD staff regarding Irvine Lake, a MWDOC Water Policy Forum, a SOCWA Board meeting, a WACO meeting, a MWDOC Water Issues Committee meeting, an OCWD Administration and Finance Issues Committee meeting and its Board meeting on the 17th.

CLOSED SESSION

Legal counsel Collins said that a CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Government Code Section 54956.9(d)(1): *IRWD v. OCWD, et al.*, Case No. 30-2016-00858584-CU-WM-CJC would be held following the Bardeen Partners, Inc. and IRWD Water Service Corporation Annual Board meetings.

RECESS AND RECONVENE

At 6:05 p.m. President Reinhart recessed the Board meeting. At 6:15 p.m., the meeting was reconvened with members Swan, McLaughlin, Withers, LaMar and Reinhart present. President Reinhart recessed into Closed Session.

OPEN SESSION

At 7:20 p.m. the meeting was reconvened with all Directors present. President Reinhart said that there was no action to report.

ADJOURNMENT

There being no further business, President Reinhart adjourned the meeting.

APPROVED and SIGNED this 12th day of April 2021.

---

President, IRVINE RANCH WATER DISTRICT

---

Secretary IRVINE RANCH WATER DISTRICT

APPROVED AS TO FORM:

---

Claire Hervey Collins, General Counsel  
Hanson Bridgett LLP