

MINUTES OF REGULAR MEETING – SEPTEMBER 23, 2019

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 LaMar on September 23, 2019 in the District office, 15600 Sand Canyon Avenue, Irvine, California.

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

Directors Absent: None.

Also Present: General Manager Cook, Executive Director of Technical Services Burton, Executive Director of Water Policy Weghorst, General Counsel Collins, Director of Wastewater Operations Zepeda, Director of Water Operations Roberts, Director of Water Quality and Regulatory Compliance Colston, Director of Water Operations Roberts, Director of Treasury and Risk Management Jacobson, Director of Water Resources Sanchez, Director of Maintenance Mykitta, Government Relations Officer/Deputy General Counsel Compton, Secretary Bonkowski, and members of staff and the public.

WRITTEN COMMUNICATIONS: None.

ORAL COMMUNICATIONS:

El Toro Water District's new General Manager, Mr. Fernando Polida, introduced himself to the Board.

ITEMS TOO LATE TO BE AGENDIZED: None.

CONSENT CALENDAR

On MOTION by Withers, seconded by Matheis, and unanimously carried, CONSENT CALENDAR ITEMS 3 THROUGH 7 WERE APPROVED AS FOLLOWS:

3. RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS

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

4. MINUTES OF BOARD MEETING

Recommendation: That the minutes of the August 26, 2019 Regular Board meeting be approved as presented.

## CONSENT CALENDAR (CONTINUED)

### 5. 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 August 2019 Summary of Payroll ACH Payments in the total amount of \$3,124,433, and approve the August 2019 accounts payable Disbursement Summary of warrants 400804 through 401770 Workers' Compensation Distributions, wire transfers, payroll withholding distributions and voided checks in the total amount of \$22,507,499.

### 6. SCE PIPELINE CROSSING LICENSE AGREEMENT

Recommendation: That the Board authorize the General Manager to execute the Southern California Edison License Agreement, Contract 9.2937, for the recycled water pipeline crossing the Southern California Edison transmission line right of way at Irvine Center Drive and Jeffrey Road.

### 7. LAKE FOREST ZONE B EAST RESERVOIR FLOATING COVER FINAL ACCEPTANCE

Recommendation: That the Board accept construction of the Lake Forest Zone B East Reservoir Floating Cover, Project 10551, 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.

## ACTION CALENDAR

### 2019 LEGISLATIVE UPDATE – AB 1486 SURPLUS LAND ACT

Government Relations Officer/Deputy General Counsel Compton provided an update on the end of session activities for the first year 2019-2020 state legislative session, and specifically, provided an update on AB 1486 (Ting, D-San Francisco), a legislative proposal that would amend the Surplus Land Act which would revise the definition of "surplus land" within the Government Code and would restrict local agencies' ability to dispose of surplus land. Under this bill, prior to a local agency conducting negotiations to dispose of real property it owns, the local agency must issue a written notice of availability to low- and moderate-income housing providers. This means that prior to negotiating the sale of any property owned by a local agency, a local agency would need to offer the property for housing.

Ms. Compton said that through and in conjunction with the coalition, IRWD worked to obtain amendments to AB 1486, which amendments will mitigate its impact on the District. On September 6, 2019, the author amended the bill, and given that the amendments, and the protection they afford the District for its current real property transactions, IRWD moved from an "oppose unless amended" position on the bill to a

“watch” position on September 9, consistent with the Board’s authorization. Following discussion on AB 1486 as well as SB1 (Atkins) relative to environmental, public health, and the Workers Defense Act, THE BOARD RECEIVED AND FILED THE 2019 LEGISLATIVE UPDATE.

UPDATED LANDOWNER AGREEMENT FOR COMPLIANCE WITH SUSTAINABLE GROUNDWATER MANAGEMENT ACT

General Manager Cook reported that in 2017, the Kern Groundwater Authority (KGA) was formed in pursuit of compliance with the requirements of the Sustainable Groundwater Management Act (SGMA). Rosedale-Rio Bravo Water Storage District is a member of KGA and is preparing a chapter of the KGA’s Groundwater Sustainability Plan (GSP) that will cover Rosedale’s service area. He said that in March 2019, the IRWD Board approved a Landowner Agreement and a Planning Agreement with Rosedale that would provide SGMA coverage for IRWD’s Kern County water banking properties by incorporation into Rosedale’s chapter of the GSP.

Mr. Weghorst said that due to recent jurisdictional changes in Kern County, the KGA is requesting that all undistricted landowners execute an updated Landowner Agreement rather than the amendment to the original Landowner Agreement, which will increase the landowners’ indemnity obligations and limit the ability to contest the actions of agencies with jurisdiction.

Director Swan reported that this item was reviewed by the Supply Reliability Programs Committee on September 19, 2019. Following discussion, on MOTION by Swan, seconded and unanimously carried, THE BOARD AUTHORIZED THE GENERAL MANAGER TO EXECUTE THE UPDATED LANDOWNER AGREEMENT FOR SUSTAINABLE GROUNDWATER MANAGEMENT ACT COMPLIANCE SUBJECT TO CHANGES APPROVED BY LEGAL COUNSEL AND THE SUPPLY RELIABILITY PROGRAMS COMMITTEE.

IRWD POLICY PRINCIPLES REGARDING PFAS CONTAMINANTS

General Manager Cook reported that IRWD policy position papers are reviewed periodically to determine if the positions are still valid, need to be revised, or if new papers should be written on other issues. Mr. Cook said that staff is proposing a new policy position for IRWD pertaining to the issues associated with per-and polyfluoroalkyl substances, also known as PFAS. At high enough concentrations, these contaminants can pose threats to human health. Regulations are now being developed that will likely have impacts on IRWD as well as water and sanitation agencies throughout Orange County and the United States.

Mr. Cook said that regulatory limitations for PFAS compounds will have implications across the entire water industry, and should be developed thoughtfully. He said that IRWD’s policy position as provided in the exhibit will support advocacy, both legislative and regulatory, to promote science-based regulations and appropriate timelines for implementing treatment solutions. Additionally, the District’s policy position will also provide clarity as to how IRWD has modified its operations, and how IRWD suggests Orange County Water District should work with all Groundwater Producer Agencies to develop and implement solutions to what appears to be a groundwater basin-wide problem.

Mr. Cook said that this topic was discussed by the IRWD Board at its Strategic Planning Workshop on August 8, 2019, and that due to timing and urgency of this matter, the policy position paper was not reviewed by a committee. Following discussion, Director Swan asked that language be changed to strongly encourage the Orange County Water District to recharge the Santiago Pits so the situation will not worsen. On MOTION by Reinhart, seconded by Withers, **THE BOARD ADOPTED THE PROPOSED IRWD POLICY POSITION PAPER REGARDING PFAS CONTAMINANTS SUBJECT TO NONSUBSTANTIVE CHANGES AS AMENDED PURSUANT TO THE DIRECTION OF THE BOARD OF DIRECTORS.**

## OTHER BUSINESS

### GENERAL MANAGER'S REPORT

General Manager Cook introduced it newly-hired Regulatory Compliance Manager Lisa Haney to the Board.

Mr. Cook presented to the Board an “Emerald Award” received from the Filipino American Chamber of Commerce of Orange County for the 2019 Greenest Company presented during the 11<sup>th</sup> Annual Green, Health, Sustainability & Technology Expo in Garden Grove.

Mr. Cook said that he had lunch with Mr. Eric Averett from Rosedale Rio-Bravo Water Storage District last Friday, and that he was looking forward to our joint event on October 14, 2019 in Bakersfield.

Mr. Cook said that Dr. Skinner of Newport Beach passed away in late August, and that the District made a donation to the Stanford Cancer Institute in his memory. He also asked that the Board meeting be closed in his memory. Director Swan provided a history of Dr. Skinner's efforts with water quality in the Newport Beach Back Bay along with other volunteer work in his profession as a physician.

### DIRECTORS' COMMENTS

Director Reinhart said he attended all of his regular meetings along with a Special SOCWA Closed Session meeting.

Director Withers said he attended an OCWD Board meeting along with his regular meetings and noted an Orange County Fire Authority briefing in Santiago Canyon.

Director Swan reported on his attendance at a Newport Bay Executive Committee meeting, a WACO Planning meeting, and several Newport Beach Chamber of Commerce meetings.

Director Matheis reported on her attendance at a Colorado River Symposium in Santa Fe, New Mexico.

Director LaMar reported that he attended many ACWA meetings, and was looking forward to the two-day ACWA event this week being hosted at the District.

COMMUNITY UPDATE

Mr. Bruce Newell reported on a recent coastal meeting held with the Orange County Fire Authority.

CLOSED SESSION

Ms. Collins announced that that the following Closed Session will be held this evening:

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION  
- Pursuant to Government Code Section 54956.9(d)(1): *SCADA and Control Systems, Inc. v. Delta Systems Engineering, LLC, et al.*, Case No. 30-2018-01039707-CU-BC-CJC.

OPEN SESSION

Following the Closed Session, the meeting was reconvened with Directors LaMar, Matheis, Swan, Withers and Reinhart present. General Counsel Collins announced that no action was reported.

ADJOURNMENT

President LaMar adjourned in the Board meeting in memory of Dr. Jack Skinner at 7:15 p.m.

APPROVED and SIGNED this 28<sup>th</sup> day of October, 2019.

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President, IRVINE RANCH WATER DISTRICT

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Secretary IRVINE RANCH WATER DISTRICT

APPROVED AS TO FORM:

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Claire Hervey Collins, Legal Counsel  
Lewis Brisbois