



### **CALL TO ORDER**

A regular meeting of the Steering Committee of the Orange County Sanitation District was called to order by Board Chairman John Withers on Wednesday, November 17, 2021 at 5:01 p.m. in the Administration Building of the Orange County Sanitation District. Chair Withers stated that the meeting was being held telephonically and via Internet accessibility in accordance with new provisions in California Government Code Section 54953 and Resolution No. OC SAN 21-15, due to the continued State of Emergency Order. Chair Withers announced the teleconference meeting guidelines.

### **ROLL CALL AND DECLARATION OF QUORUM:**

The Clerk of the Board declared a quorum present, as follows:

**PRESENT:** John Withers, Chad Wanke, Ryan Gallagher, Brooke Jones, Sandra Massa-Lavitt, Jesus Silva and Glenn Parker  
**ABSENT:** None

**STAFF PRESENT:** Kelly Lore, Clerk of the Board, and Joshua Martinez were present in the Board Room. Jim Herberg, General Manager; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Celia Chandler, Director of Human Resources; Kathy Millea, Director of Engineering; Lan Wiborg, Director of Environmental Services; Jennifer Cabral; Thys Devries; Brian Engeln; Tina Knapp; Laura Maravilla; Andrew Nau; Adam Nazaroff; Wally Ritchie; Thomas Vu; Eros Yong and Ruth Zintzun were in attendance telephonically.

**OTHERS PRESENT:** Brad Hogin, General Counsel, was present in the Board Room.

### **PUBLIC COMMENTS:**

No public comments were received.

Clerk of the Board Kelly Lore stated that she received indication from General Counsel that Closed Session Item Nos. CS-1 A & B on tonight's agenda would not be heard.

### **REPORTS:**

Chair Withers did not provide a report. General Manager Jim Herberg did not provide a report.

**CONSENT CALENDAR:****1. APPROVAL OF MINUTES**[2021-1940](#)**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Special Meeting of the Steering Committee held October 27, 2021.

**AYES:** John Withers, Chad Wanke, Ryan Gallagher, Brooke Jones, Sandra Massa-Lavitt, Jesus Silva and Glenn Parker**NOES:** None**ABSENT:** None**ABSTENTIONS:** None**2. AMENDMENT NO. 4 TO THE REAL PROPERTY LEASE AGREEMENT, SPECIFICATION NO. L-018, WITH TREESAP FARMS, LLC.**[2021-1951](#)**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO: Recommend to the Board of Directors to:

Approve Amendment No. 4 to the Real Property Lease Agreement, Specification No. L-018, with TreeSap Farms, LLC, providing for a lease extension effective December 1, 2021 through November 30, 2026, with the option to renew for one additional 5-year period, at an annual rate of \$8,623.74 plus the seasonally-adjusted change in the Consumer Price Index for all Urban Consumers.

**AYES:** John Withers, Chad Wanke, Ryan Gallagher, Brooke Jones, Sandra Massa-Lavitt, Jesus Silva and Glenn Parker**NOES:** None**ABSENT:** None**ABSTENTIONS:** None**NON-CONSENT:****3. AGREEMENT TO PROVIDE SEWERAGE SERVICES BY ORANGE COUNTY SANITATION DISTRICT TO A PORTION OF THE CITY OF LONG BEACH, CALIFORNIA**[2021-1897](#)**Originator:** Kathy Millea

Director of Engineering Kathy Millea provided a PowerPoint presentation and brief introduction to the item.

MOVED, SECONDED, AND DULY CARRIED TO: Recommend to the Board of Directors to:

Approve the Agreement between the City of Long Beach Board of Water Commissioners and Orange County Sanitation District to provide Out of Service Area sewage collection and treatment services, in a form approved by General Counsel.

**AYES:** John Withers, Chad Wanke, Ryan Gallagher, Brooke Jones, Sandra Massa-Lavitt, Jesus Silva and Glenn Parker

**NOES:** None

**ABSENT:** None

**ABSTENTIONS:** None

**INFORMATION ITEMS:**

None.

**DEPARTMENT HEAD REPORTS:**

None.

**CLOSED SESSION:**

**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(1) & 54956.9(d)(4).**

The Committee convened in closed session at 5:14 p.m. Confidential minutes of the Closed Sessions have been prepared in accordance with the above Government Code Sections and are maintained by the Clerk of the Board in the Official Book of Confidential Minutes of Board and Committee Closed Session meetings.

**CS-1 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2021-1978](#)  
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Item Nos. CS-1 A and CS-1B were not heard.

Number of Cases: 3

- A. ~~Gilbert Barela v. Orange County Sanitation District; Steve Thornburg; Roy Reynolds; and Does 1-100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01220927-CU-WT-CJC.~~
- B. ~~Heidi M. Janz v. Orange County Sanitation District; Its Board of Directors, Officers, Officials, Agents and Celia Chandler, Director of Human Resources and Does 1 through 10, Superior Court of California, County of Orange, Case No. 30-2021-01208616-CU-OE-CJC.~~
- C. Raul Palazuelos v. Orange County Sanitation District, a government entity; Richard Kwiecien, an individual; and Does 1 through 100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01217839-CU-OE-CJC.

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4)**

[2021-1979](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 2

- A. Potential litigation - Initiation of Litigation - Claim against California Department of Tax and Fee Administration, for reimbursement of sales tax paid on chemical purchases.
- B. Potential litigation - Initiation of Litigation - Claim against USS Cal Builders Inc. for pipeline repair costs.

**RECONVENED IN REGULAR SESSION.**

The Committee reconvened in regular session at 5:40 p.m.

**CONSIDERATION OF ACTION, IF ANY, ON MATTERS CONSIDERED IN CLOSED SESSION:**

General Counsel Brad Hogin did not provide a report.

**OTHER BUSINESS AND COMMUNICATIONS OR SUPPLEMENTAL AGENDA ITEMS, IF ANY:**

Director Jesus Silva requested that staff and General Counsel come up with some ideas regarding appraisal options during acquisitions of real property parcels from another government agency; to not be forced to appraise parcels for their highest value and best use if not using to develop; and to bring options back to the Steering Committee for consideration.

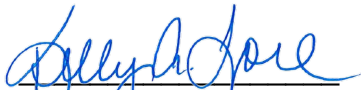
**BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:**

None.

**ADJOURNMENT:**

Chair Withers declared the meeting adjourned at 5:44 p.m. to the next Regular Steering Committee meeting to be held on Wednesday, December 15, 2021 at 5:00 p.m.

Submitted by:



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Kelly A. Lore, MMC  
Clerk of the Board