

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

FEBRUARY 23, 2022



**Board Room
Administration Building
10844 Ellis Avenue
Fountain Valley, CA 92708
(714) 593-7433**

CALL TO ORDER

A regular meeting of the Board of Directors of the Orange County Sanitation District was called to order by Board Chairman John Withers on Wednesday, February 23, 2022 at 6:03 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 22-02, due to the continued State of Emergency Order. Chair Withers announced the teleconference meeting guidelines. Director Ron Bates delivered the invocation and led the Pledge of Allegiance.

1. APPOINTMENTS TO THE ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS [2022-2122](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO:

Receive and file minute excerpts of member agencies relating to appointments to the Orange County Sanitation District Board of Directors:

Agency	Director	Alternate Director
City of La Palma	Marshall Goodman	Nitesh Patel

ROLL CALL AND DECLARATION OF QUORUM

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

PRESENT: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

ABSENT: Patrick Harper and Kim Nichols

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; Riaz Moinuddin, Director of Operations & Maintenance; Lan Wiborg, Director of Environmental Services; Mo Abiodun; Janine Aguilar; Jennifer Cabral; Gary Conklin; Phil Sullivan; Laurie Klinger; Tina Knapp; Laura Maravilla; Andrew Nau; and Wally Ritchie were in attendance telephonically.

OTHERS PRESENT: Brad Hogin, General Counsel, was present in the Board Room. Chief Negotiator Laura Kalty, Liebert Cassidy Whitmore, was in attendance telephonically.

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:

General Manager Jim Herberg introduced the newest Executive Management Team member, Director of Operations and Maintenance, Riaz Moinuddin, who provided a brief statement.

2. EMPLOYEE SERVICE AWARDS[2022-2123](#)

Originator: Kelly Lore

Chair Withers recognized:

20-year Service Awards

Gary Conklin, Senior Engineer - Division 750

Roy Reynolds, Maintenance Supervisor - Division 880

Phil Sullivan, Construction Inspector - Division 770

REPORTS:

Chair Withers announced that staff continues to plan for the return to office for those who are working remotely, in addition to in-person Committee and Board meetings.

Chair Withers stated that the Directors and Alternate Directors would receive talking points regarding OC San activities. Included in this month's talking points was a flyer with information about how cities/agencies can partner with OC San's manufacturers to purchase compost to support efforts in compliance with SB 1383.

Mr. Herberg reported on a recent sewage spill in Newport Beach which was unrelated to OC San. He announced the steps staff takes to notify and prepare the Board Members in advance of inquiries that may be received. He also noted an up tick in sewage spills throughout Orange County and LA County had taken place over the past few months. He assured the Board Members that OC San consistently communicates with other agencies to gather lessons learned, and makes modifications as needed or warranted to our system and procedures.

Mr. Herberg provided a brief update on the progress of the purchase of power through the Direct Access Program; and also provided an update to the Vendor Outreach Program including the date of March 1 as the first of five scheduled workshops. This program will inform vendors of the necessary steps to do business with OC San and provide information on upcoming contract opportunities.

Mr. Herberg reported on meetings held with local representatives from the offices of Assemblymembers Sharon Quirk-Silva and Tom Daly, and Senator Tom Umberg to discuss funding opportunities for upcoming projects.

Director Glenn Parker departed the meeting at approximately 6:30 p.m.

CONSENT CALENDAR:

3. APPROVAL OF MINUTES

[2022-2124](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Board of Directors Meeting held January 26, 2022.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

4. 2022 CONFLICT OF INTEREST CODE

[2022-2128](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-09 entitled, "A Resolution of the Board of Directors of Orange County Sanitation District adopting a Conflict of Interest Code which supersedes all prior Conflict of Interest Codes and amendments previously adopted".

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

RECEIVE AND FILE:

5. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF JANUARY 2022

[2021-2011](#)

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

Report of the Investment Transactions for the month of January 2022.

6. COMMITTEE MEETING MINUTES

[2022-2057](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the Legislative and Public Affairs Committee Meeting held November 8, 2021
- B. Minutes of the Operations Committee Meeting held December 1, 2021
- C. Minutes of the Administrative Committee Meeting held December 8, 2021
- D. Minutes of the Steering Committee Meeting held December 15, 2021

OPERATIONS COMMITTEE:

Item No. 11 was pulled and heard separately.

**7. TRICKLING FILTER SLUDGE AND SCUM PUMPS REPLACEMENT
AT PLANT NO. 1, PROJECT NO. FE19-03**

[2022-2129](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Trickling Filter Sludge and Scum Pumps Replacement at Plant No. 1, Project No. FE 19-03;
- B. Award a Construction Contract to Garney Pacific, Inc. for Trickling Filter Sludge and Scum Pumps Replacement at Plant No. 1, Project No. FE19-03, for an amount not to exceed \$778,000; and
- C. Approve a contingency of \$77,800 (10%).

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

8. **CENTRAL GENERATION PRESSURE VESSEL INTEGRITY RELIABILITY ASSESSMENT, PROJECT NO. PS20-05** [2022-2131](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Consultant Services Agreement CS-2021-1267BD to Pond & Company for the Central Generation Pressure Vessel Integrity and Reliability Assessment, PS20-05, at Plant Nos. 1 and 2, for a total amount not to exceed \$235,133; and

B. Approve a contingency of 23,513 (10%)

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

9. **THICKENING AND DEWATERING BUILDING PIPE SUPPORT IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. FE20-06** [2022-2132](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Receive and file Bid Tabulation and Recommendation for Thickening and Dewatering Building Pipe Support Improvements at Plant No. 1, Project No. FE20-06;

B. Award a Construction Contract to Garney Pacific, Inc. for Thickening and Dewatering Building Pipe Support Improvements at Plant No. 1, Project No. FE20-06 for an amount not to exceed \$793,000; and

C. Approve a contingency of \$79,300 (10%).

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

10. ENGINEERING PROGRAM CONTRACT PERFORMANCE REPORT [2022-2133](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Engineering Program Contract Performance Report for the period ending December 31, 2021.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

12. PRIMARY SEDIMENTATION BASINS NO. 6-31 RELIABILITY IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. P1-133 [2022-2135](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Receive and file Bid Tabulation and Recommendation for Primary Sedimentation Basins No. 6-31 Reliability Improvements at Plant No. 1, Project No. P1-133;

B. Award a Construction Contract to Shimmick Construction Company, Inc. for Primary Sedimentation Basins No. 6-31 Reliability Improvements at Plant No. 1, Project No. P1-133, for an amount not to exceed \$6,275,000; and

C. Approve a contingency of \$627,500 (10%).

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

13. **ACTIVATED SLUDGE CLARIFIER REPAIRS AT PLANT NO. 2, PROJECT NO. FR2-0018** [2022-2136](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Activated Sludge Clarifier Repairs at Plant No. 2, Project No. FR2-0018;
- B. Receive and file Award Protest from J.R. Filanc Construction Co., Inc. dated December 20, 2021 concerning the award to W.M. Lyles Co.;
- C. Receive and file Award Protest from Shimmick Construction Co., Inc. dated December 22, 2021 concerning the non-responsive bids submitted by all other contractors;
- D. Receive and file Orange County Sanitation District's determination letter dated January 4, 2022, issued to all bidders, recommending the rejection of all bids and re-advertising the project; and
- E. Reject all bids and direct staff to re-advertise this project for bid.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

11. **CHANGE ORDER TO WESTAIR GASES AND EQUIPMENT FOR PLANT NO. 2 LIQUID OXYGEN EMERGENCY PURCHASE ORDER NO. 107389-OB** [2022-2134](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Change Order to Purchase Order No. 107389-OB, with WestAir Gases and Equipment, for an additional amount of \$180,000 for Plant No. 2 liquid oxygen, for the period of February 1, 2022 through August 19, 2022, for a unit price of \$0.50 per 100CF, delivery \$180, hazmat \$20, and fuel charge \$20, for a total estimated annual amount of \$275,000; and
- B. Approve a (15%) unit price contingency.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

ADMINISTRATION COMMITTEE:

Item No. 14 was pulled and heard separately.

15. DESIGNATION OF APPLICANT'S AGENT FOR DISASTER RELIEF [2022-2145](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-06, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District authorizing the General Manager or either Assistant General Manager to Execute State Office of Emergency Services and/or Federal Emergency Management Agency Documents and Relevant Permit Applications for Present and Future Disaster Relief Applications; and Repealing Resolution No. OCSD 19-01".

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

16. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST [2022-2146](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Orange County Sanitation District purchases made under the General Manager's authority for the period of October 1, 2021 to December 31, 2021; and
- B. Approve the following additions to the pre-approved OEM Sole Source List for the period of October 1, 2021 to December 31, 2021:
- ACOEM - Vibralign Fixture Laser Alignment Training
 - BEAMEX - Beamex Instrumentation Test Equipment Hardware and Software Training
 - HAYWORD-GORDON - Hayward-Gordon Pumps, Mixers, and Parts
 - INTERTECH - Modicon PLC Hardware, Software, and Network Training
 - MIDWAY MFG. & MACHINE COMPANY - Rechargeable Carbon Canisters
 - WSG & SOLUTIONS, INC. - Grit Classifier Repair Parts

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

17. UNIFORM AND JANITORIAL ARTICLES RENTAL SERVICE [2022-2147](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a service contract to Cintas Corporation No. 3 to provide Uniform and Janitorial Articles Rental Service, Specification No. S-2021-1277BD, for a total amount not to exceed \$839,512 for the period beginning April 1, 2022, through March 31, 2025, with one (1) three-year renewal period option; and
- B. Approve a three-year contingency of \$83,951 (10%).

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

18. AMENDMENT TO OCSD PERSONNEL POLICIES AND PROCEDURES

[2022-2148](#)

Originator: Celia Chandler

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-07 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District amending the Board of Directors Personnel Policies and Procedures Manual providing for classification, compensation, and other terms, conditions, policies, and procedures governing employment of District employees to include the addition of Policy No. 6.6, Diversity, Equity, and Inclusion; and Amending Resolution No. OCSD 18-18".

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

19. INTERNAL AUDIT UPDATE

[2022-2149](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District Contracts Procurement Process Internal Audit Report dated January 4, 2022.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

14. MID-YEAR CONSOLIDATED FINANCIAL REPORT FOR THE PERIOD ENDED DECEMBER 31, 2021 [2022-2144](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District Mid-Year Consolidated Financial Report for the period ended December 31, 2021.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

20. PUBLIC AFFAIRS STRATEGIC PLAN FOR FISCAL YEARS 2020-2022 MIDYEAR UPDATE [2022-2137](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Strategic Plan for Fiscal Years 2020 - 2022 Midyear Update.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

21. PUBLIC AFFAIRS UPDATE FOR THE MONTHS OF NOVEMBER & DECEMBER 2021 AND JANUARY 2022 [2022-2138](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the months of November & December 2021 and January 2022.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

22. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTHS OF NOVEMBER & DECEMBER 2021 AND JANUARY 2022 [2022-2139](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the months of November & December 2021 and January 2022.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

STEERING COMMITTEE:**23. RICHFIELD SUB-TRUNK ENCASEMENT, PROJECT NO. FRC-0011 [2022-2154](#)****Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a Utility Relocation Agreement with the BNSF Railway Company for a reimbursement amount not to exceed \$121,065 for Richfield Sub-Trunk Encasement, Project No. FRC-0011.

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman**NOES:** None**ABSENT:** Patrick Harper, Kim Nichols and Glenn Parker**ABSTENTIONS:** None**NON-CONSENT:****24. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS [2022-2125](#)****Originator:** Kelly Lore

Chair Withers provided a brief introduction to the Resolution authorizing the continuation of remote meetings which must be adopted every 30 days. He reminded the Board of the pending sunset of the Governor's Emergency Order and stated that staff is planning to begin in-person Committee and Board meetings in April 2022.

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-08 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District authorizing the continuation of Remote Meetings pursuant to Government Code Section 54953".

AYES: Brad Avery, Ron Bates, Art Brown, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman**NOES:** None

ABSENT: Patrick Harper, Kim Nichols and Glenn Parker

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Shawver provided a report of his recent and upcoming attendance at two OCCOG meetings.

CLOSED SESSION:

General Counsel Brad Hogin announced that the Board would not convene in closed session.

**CS-1 CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT
CODE SECTION 54957.6**

[2022-2157](#)

DID NOT CONVENE IN CLOSED SESSION:

Designated Representatives: General Manager James Herberg, Assistant General Managers Lorenzo Tyner and Rob Thompson, Director of Human Resources Celia Chandler, and Chief Negotiator Laura Kalty.

Employee Organizations: (3)

International Union of Operating Engineers, Local 501; Orange County Employees Association; and the Supervisors and Professionals Group.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 6:55 p.m., Chair Withers adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, March 23, 2022 at 6:00 p.m.

Submitted by:



Kelly A. Lore, MMC
Clerk of the Board