

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

FEBRUARY 24, 2021



**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 David Shawver on February 24, 2021 at 6:01 p.m. in the Administration Building. Director Doug Chaffee delivered the invocation and led the Pledge of Allegiance. Chair Shawver announced that the meeting was being held telephonically and via audio/video teleconferencing in accordance with the Governor's Executive Order No. N-29-20, due to the Coronavirus Pandemic (COVID-19).

ROLL CALL AND DECLARATION OF QUORUM

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

- PRESENT:** Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman
- ABSENT:** Rose Espinoza and Kim Nichols

STAFF MEMBERS PRESENT: Kelly Lore, Clerk of the Board, and Mortimer Caparas were present in the Board Room. General Manager Jim Herberg, Assistant General Manager Lorenzo Tyner, Assistant General Manager Rob Thompson, Director of Engineering Kathy Millea, Director of Environmental Services Lan Wiborg, Director of Human Resources Celia Chandler, Jennifer Cabral, Raul Cuellar, Brian Engeln, Tina Knapp, Joshua Martinez, Adam Nazaroff, Valerie Ratto, Thomas Vu and Eros Yong participated telephonically.

OTHERS PRESENT: Brad Hogin (General Counsel) participated telephonically.

1. APPOINTMENTS TO THE ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS [2021-1460](#)

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 Orange	Kim Nichols	Chip Monaco
Yorba Linda Water District	Brooke Jones	Phil Hawkins
Board of Supervisors	Doug Chaffee	Donald P. Wagner

PUBLIC COMMENTS:

Clerk of the Board Kelly Lore read Public Comments that were received for Board Agenda Item No. 8.

SPECIAL PRESENTATIONS:**2. COMMENDATIONS TO OUTGOING BOARD MEMBERS**[2021-1496](#)

Originator: Kelly Lore

Chair Shawver presented a Commendation to outgoing Board Member:

CITY/AGENCY
Orange

DIRECTOR
Mark Murphy

ALTERNATE DIRECTOR

REPORTS:

Chair Sawver informed the Board of OC San's employee newsletter, "The Pipeline," and of the forthcoming talking points regarding OC San activities. He also thanked the Board for attending the virtual tour last Thursday.

General Manager Jim Herberg provided brief updates regarding COVID-19 cases at OC San and the roll-out of the new logo and web address. He also thanked the Board for attending the first Strategic Planning workshop.

CONSENT CALENDAR:**3. APPROVAL OF MINUTES**[2021-1408](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Meeting of the Board of Directors held January 27, 2021 and of the Special Board of Directors Meeting held February 4, 2021.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke and John Withers

NOES: None

ABSENT: Rose Espinoza, Kim Nichols and Chad Zimmerman

ABSTENTIONS: None

RECEIVE AND FILE:**4. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF JANUARY 2021 [2020-1328](#)**

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVED AND FILE THE FOLLOWING:

Report of the Investment Transactions for the month of January 2021.

5. COMMITTEE MEETING MINUTES [2021-1477](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVED AND FILE THE FOLLOWING:

A. Minutes of the Legislative and Public Affairs Committee Meeting held November 9, 2020

B. Minutes of the Steering Committee Meeting held November 18, 2020

C. Minutes of the Operations Committee Meeting held December 2, 2020

D. Minutes of the Administration Committee Meeting held December 9, 2020

OPERATIONS COMMITTEE:**6. DIGESTER FERRIC CHLORIDE PIPING REPLACEMENT AT PLANT NO. 1, PROJECT NO. P1-135 [2021-1480](#)**

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Receive and file Bid Tabulation and Recommendation for Digester Ferric Chloride Piping Replacement at Plant No. 1, Project No. P1-135;

B. Award a Construction Contract to Performance Plumbing & Mechanical Inc., dba PPM Contracting, for Digester Ferric Chloride Piping Replacement at Plant No. 1 for a total amount not to exceed \$515,000; and

C. Approve a contingency of \$51,500 (10%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke and John Withers

NOES: None

ABSENT: Rose Espinoza, Kim Nichols and Chad Zimmerman

ABSTENTIONS: None

7. TAFT BRANCH IMPROVEMENTS, PROJECT NO. 2-49

[2021-1482](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Design Services Agreement with Woodard & Curran, Inc. to provide engineering services for Taft Branch Improvements, Project No. 2-49, for an amount not to exceed \$2,200,000; and
- B. Approve a contingency of \$220,000 (10%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke and John Withers

NOES: None

ABSENT: Rose Espinoza, Kim Nichols and Chad Zimmerman

ABSTENTIONS: None

8. BAY BRIDGE PUMP STATION REPLACEMENT, PROJECT NO. 5-67

[2021-1483](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Consider, receive, and certify the Environmental Impact Report for the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67, dated January 2021; and
- B. Adopt Resolution No. OC SAN 21-03, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Certifying the Environmental Impact Report for the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67; Adopting the Mitigation Monitoring Program; and Approving the Bay Bridge Pump Station and Force Mains Replacement Project, Project No. 5-67".

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke and John Withers

NOES: None

ABSENT: Rose Espinoza, Kim Nichols and Chad Zimmerman

ABSTENTIONS: None

9. ENGINEERING PROGRAM CONTRACT PERFORMANCE REPORT [2021-1484](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Engineering Program Contract Performance Report for the period ending December 31, 2020.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke and John Withers

NOES: None

ABSENT: Rose Espinoza, Kim Nichols and Chad Zimmerman

ABSTENTIONS: None

Director Zimmerman arrived at the meeting at 6:21 p.m.

ADMINISTRATION COMMITTEE:

10. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST [2021-1488](#)

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, 2020 to December 31, 2020; and
- B. Approve the following additions to the pre-approved OEM Sole Source List for the period of October 1, 2020 to December 31, 2020:
- FONTAINE-AQUANOX - Replacement Parts, Equipment and Service
 - GOOCH THERMAL SYSTEMS, INC - Spiral Heat Exchangers
 - HIDROSTAL, LLC - Pumps and Replacement Parts
 - RODNEY HUNT, INC. - Diversion Gates and Actuators
 - SMARTCOVER SYSTEMS - Sewer Level Monitors

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke and John Withers

NOES: None

ABSENT: Rose Espinoza and Kim Nichols

ABSTENTIONS: Chad Zimmerman

11. MID-YEAR CONSOLIDATED FINANCIAL REPORT FOR THE PERIOD ENDED DECEMBER 31, 2020 [2021-1489](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District Mid-Year Financial Report for the period ended December 31, 2020.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke and John Withers

NOES: None

ABSENT: Rose Espinoza and Kim Nichols

ABSTENTIONS: Chad Zimmerman

12. BUSINESS ANALYSIS SERVICES FOR RESOURCE PROTECTION DIVISION [2021-1490](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Award a Professional Consultant Services Agreement to EEC Environmental, Inc. for Pretreatment Program Consulting Services, for the procurement of Business Analysis services to document Resource Protection division business processes, Specification No. CS-2020-1167BD, for a total amount not to exceed \$385,625; and
- B. Approve a contingency in the amount of \$38,563 (10%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke and John Withers

NOES: None

ABSENT: Rose Espinoza and Kim Nichols

ABSTENTIONS: Chad Zimmerman

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

**13. PUBLIC AFFAIRS STRATEGIC PLAN FOR FISCAL YEARS 2020-2022 [2021-1485](#)
MIDYEAR UPDATE**

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, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza and Kim Nichols

ABSTENTIONS: None

**14. PUBLIC AFFAIRS UPDATE FOR THE MONTHS OF NOVEMBER 2020 [2021-1486](#)
THROUGH JANUARY 2021**

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the months of November 2020 through January 2021.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza and Kim Nichols

ABSTENTIONS: None

**15. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTHS OF
NOVEMBER 2020 THROUGH JANUARY 2021**

[2021-1487](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the months of November 2020 through January 2021.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza and Kim Nichols

ABSTENTIONS: None

STEERING COMMITTEE:

**16. UPDATE TO THE ESTABLISHED RULES OF PROCEDURE FOR THE
CONDUCT OF BUSINESS OF THE ORANGE COUNTY SANITATION
DISTRICT**

[2021-1503](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 21-04 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District establishing Rules of Procedure for the Conduct of Business of the Orange County Sanitation District; and repealing Resolution No. OC SAN 21-01".

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza and Kim Nichols

ABSTENTIONS: None

17. ESTABLISH BOARD OF DIRECTORS PROTOCOLS [2021-1504](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 21-02 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District establishing Board of Directors Protocols".

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza and Kim Nichols

ABSTENTIONS: None

NON-CONSENT:

None.

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Chair Shawver provided a brief update regarding the recent OCCOG meeting he attended.

CLOSED SESSION:

CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(4) & 54956.9(d)(2):

The Board convened in closed session at 6:30 p.m. to discuss three items. Confidential minutes of the Closed Session 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 ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) [2021-1505](#)

CONVENED IN CLOSED SESSION:

MOVED, SECONDED AND DULY CARRIED TO:

1. Retain an appraiser to appraise the property interests that the District needs to construct the Bay Bridge Pump Station project; and
2. Issue a Notice of Intent to Appraise to the property owner.

Number of Potential Cases: 1

Potential initiation of eminent domain litigation regarding property owned by Bayside Village Marina LLC.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza and Kim Nichols

ABSTENTIONS: None

CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2) [2021-1506](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Significant exposure to litigation: threatened CEQA litigation regarding environmental impact report for Bay Bridge Pump Station Project.

CS-3 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2) [2021-1507](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: (1)

Significant exposure to litigation: Claim of Raul Palazuelos.

RECONVENED IN REGULAR SESSION.

The Board reconvened in regular session at 7:26 p.m.

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

General Counsel Brad Hogin reported that in regard to Closed Session Item No. CS-1, the Board of Directors unanimously voted, as shown above.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 7:28 p.m., Chair Shawver adjourned the meeting until the Special Meeting of the Board of Directors to be held on March 17, 2021 at 2:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board