



SPECIAL NOTICE
PUBLIC ATTENDANCE & PARTICIPATION AT PUBLIC MEETINGS
Steering Committee Meeting
Wednesday, August 23, 2023
5:00 p.m.

Your participation is always welcome. OC San offers several ways in which to interact during meetings. You will find information as to these opportunities below.

IN-PERSON MEETING ATTENDANCE

You may attend the meeting in-person at the following location:

Orange County Sanitation District
Administration Building
10844 Ellis Avenue
Fountain Valley, CA 92708

ONLINE MEETING PARTICIPATION

You may join the meeting live via Teams on your computer or similar device or web browser by using the link below:

[Click here to join the meeting](#)

We suggest testing joining a Teams meeting on your device prior to the commencement of the meeting. For recommendations, general guidance on using Teams, and instructions on joining a Teams meeting, [please click here](#).

Please mute yourself upon entry to the meeting. Please raise your hand if you wish to speak during the public comment section of the meeting. The Clerk of the Board will call upon you by using the name you joined with.

Meeting attendees are not provided the ability to make a presentation during the meeting. Please contact the Clerk of the Board at least 48 hours prior to the meeting if you wish to present any items. Additionally, camera feeds may be controlled by the meeting moderator to avoid inappropriate content.

HOW TO PARTICIPATE IN THE MEETING BY TELEPHONE

To join the meeting from your phone: Dial (213) 279-1455
When prompted, enter the Phone Conference ID: 981 218 650#

All meeting participants may be muted during the meeting to alleviate background noise. If you are muted, please use *6 to unmute. You may also mute yourself on your device.

Please raise your hand to speak by use *5, during the public comment section of the meeting. The Clerk of the Board will call upon you by using the last 4 digits of your phone number as identification.

NOTE: All attendees will be disconnected from the meeting at the beginning of Closed Session. If you would like to return to the Open Session portion of the meeting, please login or dial-in to the Teams meeting again and wait in the Lobby for admittance.

WATCH THE MEETING ONLINE

The meeting will be available for online viewing at:

<https://ocsd.legistar.com/Calendar.aspx>

SUBMIT A COMMENT

You may submit your comments and questions in writing for consideration in advance of the meeting by using the eComment feature available online at: <https://ocsd.legistar.com/Calendar.aspx> or sending them to OCSanClerk@ocsan.gov with the subject line "PUBLIC COMMENT ITEM # (insert the item number relevant to your comment)" or "PUBLIC COMMENT NON-AGENDA ITEM".

You may also submit comments and questions for consideration during the meeting by using the eComment feature available online at: <https://ocsd.legistar.com/Calendar.aspx>. The eComment feature will be available for the duration of the meeting.

All written public comments will be provided to the legislative body and may be read into the record or compiled as part of the record.

For any questions and/or concerns, please contact the Clerk of the Board's office at 714-593-7433. Thank you for your interest in OC San!

August 16, 2023

NOTICE OF REGULAR MEETING

**STEERING COMMITTEE
ORANGE COUNTY SANITATION DISTRICT**

Wednesday, August 23, 2023 – 5:00 P.M.

Administration Building
10844 Ellis Avenue
Fountain Valley, CA 92708

ACCESSIBILITY FOR THE GENERAL PUBLIC

Your participation is always welcome. Specific information as to how to participate in this meeting is detailed on the Special Notice attached to this agenda. In general, OC San offers several ways in which to interact during this meeting: you may participate in person, join the meeting live via Teams on your computer or similar device or web browser, join the meeting live via telephone, view the meeting online, and/or submit comments for consideration before or during the meeting.

The Regular Meeting of the Steering Committee of the Orange County Sanitation District will be held at the above location and in the manner indicated on Wednesday, August 23, 2023 at 5:00 p.m.



Clerk of the Board

- Serving:*
- Anaheim
 - Brea
 - Buena Park
 - Cypress
 - Fountain Valley
 - Fullerton
 - Garden Grove
 - Huntington Beach
 - Irvine
 - La Habra
 - La Palma
 - Los Alamitos
 - Newport Beach
 - Orange
 - Placentia
 - Santa Ana
 - Seal Beach
 - Stanton
 - Tustin
 - Villa Park
 - County of Orange
 - Costa Mesa Sanitary District
 - Midway City Sanitary District
 - Irvine Ranch Water District
 - Yorba Linda Water District

STEERING COMMITTEE & BOARD MEETING DATES

September 27, 2023

October 25, 2023

November 15, 2023 *

December 14, 2023 **

January 24, 2024

February 28, 2024

March 27, 2024

April 24, 2024

May 22, 2024

June 26, 2024

July 24, 2024

August 28, 2024

**** Meeting will be held on the third Wednesday of the month***
***** Meeting will be held on the second Thursday of the month***

**ROLL CALL
STEERING COMMITTEE**

Meeting Date: August 23, 2023

Time: 5:00 p.m.

Adjourn: _____

COMMITTEE MEMBERS (7)

Chad Wanke, Board Chair	
Ryan Gallagher, Board Vice-Chair	
Marshall Goodman, Operations Committee Chair	
Christine Marick, Administration Committee Chair	
Pat Burns, Member-At-Large	
Jon Dumitru, Member-At-Large	
John Withers, Member-At-Large	

OTHERS

Brad Hogin, General Counsel	
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STAFF

Rob Thompson, General Manager	
Lorenzo Tyner, Assistant General Manager	
Mike Dorman, Director of Engineering	
Laura Maravilla, Director of Human Resources	
Riaz Moinuddin, Director of Operations & Maintenance	
Wally Ritchie, Director of Finance	
Lan Wiborg, Director of Environmental Services	
Kelly Lore, Clerk of the Board	

ORANGE COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS
Complete Roster

Effective 08/09/2023

AGENCY/CITIES	ACTIVE DIRECTOR	ALTERNATE DIRECTOR
Anaheim	Stephen Faessel	Natalie Meeks
Brea	Christine Marick	Cecilia Hupp
Buena Park	Susan Sonne	Art Brown
Cypress	Scott Minikus	Bonnie Peat
Fountain Valley	Glenn Grandis	Ted Bui
Fullerton	Bruce Whitaker	Nick Dunlap
Garden Grove	Stephanie Klopfenstein	John O'Neill
Huntington Beach	Pat Burns	Gracey Van Der Mark
Irvine	Farrah N. Khan	Tammy Kim
La Habra	Rose Espinoza	Jose Medrano
La Palma	Marshall Goodman	Debbie Baker
Los Alamitos	Jordan Nefulda	Emily Hibard
Newport Beach	Brad Avery	Erik Weigand
Orange	Jon Dumitru	John Gyllenhammer
Placentia	Chad Wanke	Ward Smith
Santa Ana	Johnathan Ryan Hernandez	Benjamin Vazquez
Seal Beach	Schelly Sustarsic	Nathan Steele
Stanton	David Shawver	Carol Warren
Tustin	Ryan Gallagher	Austin Lumbard
Villa Park	Robbie Pitts	Jordan Wu

Sanitary/Water Districts

Costa Mesa Sanitary District	Bob Ooten	Art Perry
Midway City Sanitary District	Andrew Nguyen	Mark Nguyen
Irvine Ranch Water District	John Withers	Douglas Reinhart
Yorba Linda Water District	Phil Hawkins	Tom Lindsey

County Areas

Board of Supervisors	Doug Chaffee	Donald P. Wagner
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STEERING COMMITTEE
Regular Meeting Agenda
Wednesday, August 23, 2023 - 5:00 PM
Conference Room A
Administration Building
10844 Ellis Avenue
Fountain Valley, CA 92708
(714) 593-7433

ACCOMMODATIONS FOR THE DISABLED: If you require any special disability related accommodations, please contact the Orange County Sanitation District (OC San) Clerk of the Board's office at (714) 593-7433 at least 72 hours prior to the scheduled meeting. Requests must specify the nature of the disability and the type of accommodation requested.

AGENDA POSTING: In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted outside the main gate of the OC San's Administration Building located at 10844 Ellis Avenue, Fountain Valley, California, and on the OC San's website at www.ocsan.gov not less than 72 hours prior to the meeting date and time above. All public records relating to each agenda item, including any public records distributed less than 72 hours prior to the meeting to all, or a majority of the Board of Directors, are available for public inspection in the office of the Clerk of the Board.

AGENDA DESCRIPTION: The agenda provides a brief general description of each item of business to be considered or discussed. The recommended action does not indicate what action will be taken. The Board of Directors may take any action which is deemed appropriate.

MEETING RECORDING: A recording of this meeting is available within 24 hours after adjournment of the meeting at <https://ocsd.legistar.com/Calendar.aspx> or by contacting the Clerk of the Board at (714) 593-7433.

NOTICE TO DIRECTORS: To place items on the agenda for a Committee or Board Meeting, the item must be submitted in writing to the Clerk of the Board: Kelly A. Lore, MMC, (714) 593-7433 / klore@ocsan.gov at least 14 days before the meeting.

FOR ANY QUESTIONS ON THE AGENDA, BOARD MEMBERS MAY CONTACT STAFF AT:

General Manager: Rob Thompson, rthompson@ocsan.gov / (714) 593-7110
Asst. General Manager: Lorenzo Tyner, ltyner@ocsan.gov / (714) 593-7550
Director of Engineering: Mike Dorman, mdorman@ocsan.gov / (714) 593-7014
Director of Environmental Services: Lan Wiborg, lwiborg@ocsan.gov / (714) 593-7450
Director of Finance: Wally Ritchie, writchie@ocsan.gov / (714) 593-7570
Director of Human Resources: Laura Maravilla, lmavilla@ocsan.gov / (714) 593-7007
Director of Operations & Maintenance: Riaz Moinuddin, rmoinuddin@ocsan.gov / (714) 593-7269

CALL TO ORDER**ROLL CALL AND DECLARATION OF QUORUM:**

Clerk of the Board

PUBLIC COMMENTS:

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REPORTS:

The Board Chairperson and the General Manager may present verbal reports on miscellaneous matters of general interest to the Directors. These reports are for information only and require no action by the Directors.

CONSENT CALENDAR:

Consent Calendar Items are considered to be routine and will be enacted, by the Committee, after one motion, without discussion. Any items withdrawn from the Consent Calendar for separate discussion will be considered in the regular order of business.

1. APPROVAL OF MINUTES [2023-3136](#)**RECOMMENDATION:**

Approve minutes of the Regular meeting of the Steering Committee held July 26, 2023.

Originator: Kelly Lore

Attachments: [Agenda Report](#)
[07-26-2023 Steering Committee Minutes](#)

2. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF JULY 2023 [2023-3144](#)

RECOMMENDATION: Recommend to the Board of Directors to:

Receive and file the Legislative Affairs Update for the month of July 2023.

Originator: Rob Thompson

Attachments: [Agenda Report](#)
[Federal Legislative Update](#)
[Federal Legislative Matrix](#)
[State Legislative Update](#)
[State Legislative Matrix](#)

3. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF JULY 2023 [2023-3145](#)

RECOMMENDATION: Recommend to the Board of Directors to:

Receive and file the Public Affairs Update for the month of July 2023.

Originator: Rob Thompson

Attachments: [Agenda Report](#)
[Outreach & Media Report - July 2023](#)

4. AMENDMENTS TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENTS AND ON-CALL MAINTENANCE AND REPAIR MASTER SERVICES CONTRACTS [2023-3148](#)

RECOMMENDATION: Recommend to the Board of Directors to:

A. Approve Amendments to the following Annual Professional Design Services Agreements:

1. Amendment No. 3 - Arcadis U.S., Inc. FE21-00-02
2. Amendment No. 3 - Black & Veatch Corporation FE21-00-03
3. Amendment No. 3 - Brown and Caldwell FE21-00-04
4. Amendment No. 3 - CDM Smith, Inc. FE21-00-05
5. Amendment No. 3 - CIVILTEC Engineering, Inc. FE21-00-06
6. Amendment No. 3 - Dudek FE21-00-07
7. Amendment No. 3 - GHD, Inc. FE21-00-08
8. Amendment No. 3 - HDR Engineering, Inc. FE21-00-09
9. Amendment No. 4 - Ardurra Group, Inc. FE21-00-10 (*Successor firm*)
10. Amendment No. 3 - Kennedy/Jenks Consultants, Inc. FE21-00-11
11. Amendment No. 3 - Kleinfelder, Inc. FE21-00-12
12. Amendment No. 3 - Michael Baker International, Inc. FE21-00-13
13. Amendment No. 3 - ProjectLine Technical Services, Inc. FE21-00-14
14. Amendment No. 3 - SPEC Services, Inc. FE21-00-15
15. Amendment No. 3 - SVA Architects, Inc. FE21-00-16
16. Amendment No. 3 - Tetra Tech, Inc. FE21-00-17
17. Amendment No. 3 - Woodard & Curran, Inc. FE21-00-18; and

B. Approve Amendments to the following On-Call Maintenance and Repair Master Services Contracts:

1. Amendment No. 2 - Charles King Company S-2021-1234BD
2. Amendment No. 2 - Jamison Engineering Contractors, Inc. S-2021-1234BD
3. Amendment No. 2 - J.R. Filanc Construction Co., Inc. S-2021-1234BD
4. Amendment No. 2 - Shimmick Construction, Inc. S-2021-1234BD
5. Amendment No. 2 - W.A. Rasic Construction Company, Inc. S-2021-1234BD

6. Amendment No. 2 - Kiewit Infrastructure West Co. S-2021-1234BD

7. Amendment No. 2 - O'Connell Engineering & Construction, Inc. S-2021-1234BD

Originator: Wally Ritchie

Attachments: [Agenda Report](#)
[FE21-00-02 Amendment No. 3 - ARCADIS](#)
[FE21-00-03 Amendment No. 3 - Black and Veatch](#)
[FE21-00-04 Amendment No. 3 - Brown and Caldwell](#)
[FE21-00-05 Amendment No. 3 - CDM Smith](#)
[FE21-00-06 Amendment No. 3 - CIVILTEC](#)
[FE21-00-07 Amendment No. 3 - DUDEK](#)
[FE21-00-08 Amendment No. 3 - GHD, Inc.](#)
[FE21-00-09 Amendment No. 3 - HDR](#)
[FE21-00-10 Amendment No. 4 - Ardurra Group, Inc.](#)
[FE21-00-11 Amendment No. 3 - Kennedy/Jenks](#)
[FE21-00-12 Amendment No. 3 - Kleinfelder, Inc.](#)
[FE21-00-13 Amendment No. 3 - Michael Baker](#)
[FE21-00-14 Amendment No. 3 - ProjectLine](#)
[FE21-00-15 Amendment No. 3 - SPEC Services](#)
[FE21-00-16 Amendment No. 3 - SVA Architects](#)
[FE21-00-17 Amendment No. 3 - Tetra Tech](#)
[FE21-00-18 Amendment No. 3 - Woodard & Curran](#)
[S-2021-1234BD Amendment No. 2 - Charles King Company](#)
[S-2021-1234BD Amendment No. 2 - Jamison Engineering](#)
[S-2021-1234BD Amendment No. 2 - J.R. Filanc Construction](#)
[S-2021-1234BD Amendment No. 2 - Shimmick](#)
[S-2021-1234BD Amendment No. 2 - W.A. Rasic](#)
[S-2021-1234BD Amendment No. 2 - Kiewit](#)
[S-2021-1234BD Amendment No. 2 - O'Connell](#)

5. WASTEHAULER STATION SAFETY AND SECURITY IMPROVEMENTS, PROJECT NO. FE20-01

[2023-3107](#)

RECOMMENDATION: Recommend to the Board of Directors to:

Approve a contingency increase of \$101,387 (6%) to the construction contract with LEED Electric, Inc. for Wastehauler Station Safety and Security Improvements, Project No. FE20-01, for a total construction contingency of \$270,367 (16%).

Originator: Mike Dorman

Attachments: [Agenda Report](#)

6. UPDATE TO POSITION TITLES IN THE IDENTITY THEFT PREVENTION PROGRAM [2023-3153](#)

RECOMMENDATION: Recommend to the Board of Directors to:

Adopt Resolution No. OC SAN 23-18 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Adopting an Update to the Identity Theft Prevention Program in order to comply with the Fair and Accurate Credit Transaction Act of 2003; and Repealing Resolution No. OCSD 09-03".

Originator: Wally Ritchie

Attachments: [Agenda Report](#)
[Resolution No. OC SAN 23-18 \(Redlined\)](#)
[Resolution No. OC SAN 23-18 \(Final\)](#)

7. UPDATE TO FINANCIAL TRANSACTIONS POLICY [2023-3152](#)

RECOMMENDATION: Recommend to the Board of Directors to:

Adopt Resolution No. OC SAN 23-19 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District, Authorizing the Establishment of Miscellaneous Banking Accounts, Establishing Policies Governing the Transactions related thereto, and Designating Employees to act on Orange County Sanitation District's behalf for said accounts; and Repealing Resolution No. OCSD 18-06".

Originator: Wally Ritchie

Attachments: [Agenda Report](#)
[Resolution No. OC SAN 23-19 \(Redlined\)](#)
[Resolution No. OC SAN 23-19 \(Final\)](#)
[Banking Agreement](#)

NON-CONSENT:

8. BENEFITS FOR UNREPRESENTED MANAGER GROUP EMPLOYEES [2023-3141](#)

RECOMMENDATION: Recommend to the Board of Directors to:

Adopt Resolution No. OC SAN 23-16 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Approving Benefits Adjustments for Unrepresented Manager Group Employees".

Originator: Laura Maravilla

Attachments: [Agenda Report](#)
[Resolution No. OC SAN 23-16 \(Managers\)](#)

9. GENERAL MANAGER'S COMPENSATION AND BENEFITS [2023-3142](#)

RECOMMENDATION: Recommend to the Board of Directors to:

Adopt Resolution No. OC SAN 23-17 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District approving a salary increase and salary range adjustment for the General Manager for Fiscal Year 2023/2024." The increase consists of a salary range adjustment and corresponding salary increase of 8.5%, effective in the first pay period of July 2023.

Originator: Laura Maravilla

Attachments: [Agenda Report](#)
[Resolution No. OC SAN 23-17](#)
[General Manager Salary Schedule \(Proposed FY 23-24\)](#)
[General Manager At-Will Agreement 7-1-2023](#)

INFORMATION ITEMS:**10. GRANT POLICY UPDATE [2023-3101](#)**

RECOMMENDATION:

Information item.

Originator: Rob Thompson

Attachments: [Agenda Report](#)
[Grant Policy Paragraph 2023](#)

DEPARTMENT HEAD REPORTS:**CLOSED SESSION:**

During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chairperson may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government Code Sections 54956.8, 54956.9, 54957 or 54957.6, as noted.

Reports relating to (a) purchase and sale of real property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

CONVENE IN CLOSED SESSION.

**CS-1 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2023-3158](#)
GOVERNMENT CODE SECTION 54956.9(d)(1)**

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 1

- Alexis Tovar Solis and Jose Tovar v. Orange County Sanitation District; and Does 1-10, Superior Court of California, County of Los Angeles, Case No. 21STC24469.

Attachments: [Agenda Report](#)
[CS-1 Steering CS Memo re Alexis Tovar Solis Jose Tovar 8-23-23](#)

CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2) [2023-3159](#)

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 2

- A. Claim/Demand Letter received from Watt Tieder, on behalf of PCL Construction, Inc., re: Contract No. P2-98A for Project A-Side Primary Clarifiers Replacement at Plant 2. Claim regarding a Change Order Proposal RFC No. 44; and
- B. Claim/Compensation Request received from Carolyn Smuts re: Property Damage at 22202 Cape May Lane, Huntington Beach, CA 92646.

Attachments: [Agenda Report](#)
[CS-2A Steering CS Memo re Watt Tieder Claim 8-23-23](#)
[CS-2B Steering CS Memo re Smutts Claim 8-23-23](#)

CS-3 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) [2023-3135](#)

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 1

Potential initiation of litigation regarding Miller-Holder Rhone Lane Easement.

Attachments: [Agenda Report](#)
[CS-3 Steering CS Memo re Miller-Holder 8-23-23](#)

RECONVENE IN REGULAR SESSION.

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

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

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

At this time Directors may request staff to place an item on a future agenda.

ADJOURNMENT:

Adjourn the meeting until the Regular Meeting of the Steering Committee on September 27, 2023 at 5:00 p.m.



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3136

Agenda Date: 8/23/2023

Agenda Item No: 1.

FROM: Robert Thompson, General Manager
Originator: Kelly A. Lore, Clerk of the Board

SUBJECT:

APPROVAL OF MINUTES

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION:

Approve minutes of the Regular meeting of the Steering Committee held July 26, 2023.

BACKGROUND

In accordance with the Board of Directors Rules of Procedure, an accurate record of each meeting will be provided to the Directors for subsequent approval at the following meeting.

RELEVANT STANDARDS

- Resolution No. OC SAN 22-37

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- July 26, 2023 Steering Committee meeting minutes



CALL TO ORDER

A regular meeting of the Steering Committee of the Orange County Sanitation District was called to order by Board Chairman Chad Wanke on Wednesday, July 26, 2023 at 5:01 p.m. in the Administration Building of the Orange County Sanitation District.

ROLL CALL AND DECLARATION OF QUORUM:

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

PRESENT: Chad Wanke, Ryan Gallagher, Pat Burns, Marshall Goodman, Christine Marick, John Withers and Jon Dumitru
ABSENT: None

STAFF PRESENT: Rob Thompson, General Manager; Lorenzo Tyner, Assistant General Manager; Michael Dorman, Director of Engineering; Laura Maravilla, Director of Human Resources; Riaz Moinuddin, Director of Operations and Maintenance; Wally Ritchie, Director of Finance; Lan Wiborg, Director of Environmental Services; Kelly Lore, Clerk of the Board; Mo Abiodun; Jennifer Cabral; Tanya Chong; Raul Cuellar; Thys DeVries; Brian Engeln; Rebecca Long; Rob Michaels; Cindy Murra; Valerie Ratto; Eros Yong; and Ruth Zintzun were present in Conference Room A. Tina Knapp, Justin Fenton, and Laurie Klinger were present telephonically.

OTHERS PRESENT: Brad Hogin, General Counsel, was present in Conference Room A. Eric Sapirstein, ENS Resources, and Eric O'Donnell, Townsend Public Affairs, were present telephonically.

PUBLIC COMMENTS:

None.

REPORTS:

Chair Wanke and General Manager Rob Thompson did not provide reports.

CONSENT CALENDAR:

1. APPROVAL OF MINUTES

[2023-3078](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve minutes of the Special meeting of the Steering Committee held June 28, 2023.

AYES: Chad Wanke, Ryan Gallagher, Pat Burns, Christine Marick and Jon Dumitru

NOES: None

ABSENT: Marshall Goodman and John Withers

ABSTENTIONS: None

2. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF JUNE 2023 [2023-3089](#)

Originator: Rob Thompson

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

Receive and file the Public Affairs Update for the month of June 2023.

AYES: Chad Wanke, Ryan Gallagher, Pat Burns, Christine Marick and Jon Dumitru

NOES: None

ABSENT: Marshall Goodman and John Withers

ABSTENTIONS: None

3. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF JUNE 2023 [2023-3099](#)

Originator: Rob Thompson

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

Receive and file the Legislative Affairs Update for the month June 2023.

AYES: Chad Wanke, Ryan Gallagher, Pat Burns, Christine Marick and Jon Dumitru

NOES: None

ABSENT: Marshall Goodman and John Withers

ABSTENTIONS: None

4. GENERAL MANAGER'S FISCAL YEAR 2023-2024 WORK PLAN [2023-3095](#)

Originator: Rob Thompson

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

Receive and file the General Manager's Fiscal Year 2023-2024 Work Plan.

AYES: Chad Wanke, Ryan Gallagher, Pat Burns, Christine Marick and Jon Dumitru
NOES: None
ABSENT: Marshall Goodman and John Withers
ABSTENTIONS: None

5. **SOUTHERN CALIFORNIA EDISON - AMENDMENT NO. 4 TO THE POWER PURCHASE AGREEMENT AT PLANT NO. 2** [2023-3110](#)

Originator: Riaz Moinuddin

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

Approve and Authorize the Board Chairman to execute Amendment No. 4 to the Power Purchase Agreement (QFID-04) with Southern California Edison (SCE) Company and Orange County Sanitation District, to allow for the extension of the term and to adjust the price for all energy delivered to SCE during the extension period.

AYES: Chad Wanke, Ryan Gallagher, Pat Burns, Christine Marick and Jon Dumitru
NOES: None
ABSENT: Marshall Goodman and John Withers
ABSTENTIONS: None

NON-CONSENT:

6. **HEADQUARTERS AUDIOVISUAL INTEGRATOR, CONTRACT NO. P1-128A-1 FOR HEADQUARTERS COMPLEX AT PLANT NO. 1, PROJECT NO P1-128** [2023-2953](#)

Originator: Mike Dorman

Director of Engineering Mike Dorman provided a brief description of the project details and bid process.

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

- A. Receive and file Bid Tabulation and Recommendation for Headquarters Audiovisual Integrator, Contract No. P1-128A-1 for the Headquarters Complex at Plant No. 1, Project No. P1-128A;
- B. Award a Construction Contract to EIDIM Group, Inc. dba EIDIM AV Technology for Headquarters Audiovisual Integrator, Contract No. P1-128A-1 for the Headquarters Complex at Plant No. 1, Project No. P1-128A for a total amount not to exceed \$1,580,000; and
- C. Approve a contingency of \$158,000 (10%).

AYES: Chad Wanke, Ryan Gallagher, Pat Burns, Christine Marick and Jon Dumitru

NOES: None

ABSENT: Marshall Goodman and John Withers

ABSTENTIONS: None

Director Marshall Goodman arrived at the meeting at 5:05 p.m.

7. BAY BRIDGE PUMP STATION AND FORCE MAINS REPLACEMENT PROJECT, PROJECT NO. 5-67 [2023-3065](#)

Originator: Mike Dorman

General Counsel Brad Hogin provided a brief explanation of the item and the details of the Addendum.

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

- A. Consider, Receive, and Certify the Addendum to the Environmental Impact Report for the Bay Bridge Pump Station and Force Mains Replacement Project No. 5-67, dated July 2023; and
- B. Adopt Resolution No. OC SAN 23-13 entitled, "A Resolution of the Orange County Sanitation District Board of Directors receiving and filing the Addendum to the Environmental Impact Report for the Bay Bridge Pump Station and Force Mains Replacement Project No. 5-67 and approving the Modified Project".

AYES: Chad Wanke, Ryan Gallagher, Pat Burns, Marshall Goodman, Christine Marick and Jon Dumitru

NOES: None

ABSENT: John Withers

ABSTENTIONS: None

Director John Withers arrived at the meeting at 5:06 p.m.

8. BOARD OF DIRECTORS COMPENSATION[2023-3100](#)

Originator: Kelly Lore

The Committee reviewed and discussed Orange County Sanitation District's Board of Directors stipend amount adopted by Ordinance No. OCSD-34.

MOVED, SECONDED, AND DULY CARRIED TO:

Recommend to the Board of Directors to: Increase the Board of Directors stipend to \$300 per meeting/day and request that the stipend be increased annually per Consumer Price Index, not to exceed 5% annually per statute; upon review and approval of General Counsel.

AYES: Chad Wanke, Ryan Gallagher, Pat Burns, Marshall Goodman, Christine Marick, John Withers and Jon Dumitru

NOES: None

ABSENT: None

ABSTENTIONS: None

INFORMATION ITEMS:**9. LEGAL SERVICES AD HOC COMMITTEE - UPDATE**[2023-3098](#)

Originator: Kelly Lore

Vice-Chair Gallagher provided an update regarding the Legal Services Ad Hoc Committee and the process of the recent request for proposals.

ITEM RECEIVED AS AN:

Information Item.

DEPARTMENT HEAD REPORTS:

None.

CLOSED SESSION:**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54957.6, 54956.9(d)(2) & 54957(b)(1).**

The Committee convened in closed session at 5:19 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 LABOR NEGOTIATORS - GOVERNMENT
CODE SECTION 54957.6**[2023-3085](#)

CONVENED IN CLOSED SESSION:

Agency Designated Representatives: General Manager Robert Thompson, Assistant General Manager Lorenzo Tyner, and Director of Human Resources Laura Maravilla.

Unrepresented Employees: Managers Group: Administration Manager, Engineering Manager, Environmental Protection Manager, Finance and Procurement Manager, Human Resources Manager, Information Technology Manager, Maintenance Manager, Operations Manager, and Safety and Health Manager.

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED
LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2)**[2023-3096](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Claim received from Panish Shea Boyl Ravipudi LLP for Alexa Araiza, a Minor, by and through her Guardian Wendy Araiza arising out of an automobile accident that occurred on December 6, 2022 at Westminster Boulevard and Hammond Place in the City of Westminster.

CS-3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION 54957(b)(1)[2023-3109](#)**Originator:** Laura Maravilla

CONVENED IN CLOSED SESSION:

Public Employee Performance Evaluation

Number of Employees: 1

- General Manager

RECONVENED IN REGULAR SESSION.

The Committee reconvened in regular session at 5:48 p.m.

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

General Counsel Brad Hogin stated there was no reportable action.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

Chair Wanke declared the meeting adjourned at 5:49 p.m. to the next Regular Steering Committee meeting to be held on Wednesday, August 23, 2023 at 5:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3144

Agenda Date: 8/23/2023

Agenda Item No: 2.

FROM: Robert Thompson, General Manager

SUBJECT:

LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF JULY 2023

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Receive and file the Legislative Affairs Update for the month of July 2023.

BACKGROUND

The Orange County Sanitation District's (OC San) legislative affairs program includes advocating for OC San's legislative interests; sponsoring legislation (where appropriate); and seeking Local, State, and Federal funding for projects and programs.

RELEVANT STANDARDS

- Maintain influential legislative advocacy and a public outreach program
- Build brand, trust, and support with policy makers and community leaders
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

PROBLEM

Without a strong advocacy program, elected officials may not be aware of OC San's mission, programs, and projects and how they could be impacted by proposed legislation.

PROPOSED SOLUTION

Continue to work with Local, State, and Federal officials to advocate for OC San's legislative interests. Help to create/monitor legislation and grants that would benefit OC San, the wastewater industry, and the community. To assist in relationship building efforts, OC San will continue to reach out to elected officials through facility tours, one-on-one meetings, and trips to Washington D.C. and Sacramento.

RAMIFICATIONS OF NOT TAKING ACTION

If OC San does not work with Local, State, and Federal elected officials, legislation could be passed that negatively affects OC San and the wastewater industry. Additionally, a lack of engagement may result in missed funding opportunities.

ADDITIONAL INFORMATION

Federal Update:

Stakeholder comments on the draft PFAS legislative proposal closed on July 14. OC San, along with 300 other agencies, provided input on the importance of a legislative exemption from the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The exemption is vital to avoid industrial manufacturers of PFAS or dischargers leveraging CERCLA to seek compensation from passive receivers. OC San also sent a copy of the letter to Senator Padilla.

State Update:

As part of the budget, the infrastructure streamlining package focuses on certain clean energy and infrastructure projects the State needs to address climate change. It is likely this legislation will have a positive impact on major statewide infrastructure projects that could benefit OC San.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Federal Legislative Update
- Federal Legislative Matrix
- State Legislative Update
- State Legislative Matrix



TO: Rebecca Long
FROM: Eric Sapirstein
DATE: August 3, 2023
SUBJECT: Washington Update

Congressional action during the past month centered on appropriations and development of PFAS legislation in the Senate Committee on Environment and Public Works. Central to the legislative activity surrounding spending bills for the federal government was a growing acknowledgement that enactment of spending bills before the beginning of the new fiscal year, October 1, is impossible. This sets in motion a “will they or won’t they” shut down the government when spending authority lapses on September 30. It is possible that a stop gap spending bill could be approved to avoid a shut down on October 1. But the discord within the House and Senate membership over spending levels could lead to intractable floor debates that force a shutdown for a short time. The following summarizes these activities.

- ***Fiscal Year 2024 Appropriations Moves Forward in House and Senate Committees***

The House and Senate Committees on Appropriations approved key spending bills that fund water quality, water supply and biosolids management programs of interest to OC San. However, the two chambers’ committees are on diametrically opposite paths toward developing final spending bills. As noted previously, the House spending bills collectively cut an additional \$120 billion in spending. This is beyond the spending levels agreed upon in the debt ceiling/budget agreement known as the Fiscal Responsibility Act. The Senate committee, alternatively, boosted overall spending by an additional \$27 billion beyond the Fiscal Responsibility Act’s overall spending levels.

These differences mean that reconciliation of the twelve annual spending bills’ levels by October 1 is impossible. This has been articulated by key congressional spending leaders. Instead, two outcomes are expected. First, and most likely, is passage of a stopgap spending bill that could carry governmental operations forward until December at the latest.

The second scenario envisions an inability to secure a stopgap bill, forcing a governmental shutdown that would likely last a minimum of several days, after which a deal to pass a Continuing Resolution would be brokered between Congress and the White House. Regardless of the approach pursued, we anticipate that a prolonged spending debate between the House and Senate will occur. If a compromise remains out of reach, then a year-long Continuing Resolution with an across-the-board 1 percent cut would be triggered on January 1, 2025 as required by the Fiscal Responsibility Act. This outcome would effectively cut spending to levels approaching Fiscal Year 2022 levels, limiting federal investments in infrastructure and climate resilience.

Why the Appropriations Process is Important OC San

While OC San does not currently rely upon the State Revolving Loan Fund (SRF) for infrastructure assistance, the inability to finalize the U.S. Environmental Protection Agency's budget would likely trigger significant reductions in spending programs beyond the SRF such as other core water quality programs that support OC San's service area's communities. The lack of adequate resources to implement policies such as biosolids standards related to PFAS could also be impacted, delaying final decisions important to OC San's operations.

- ***Senate PFAS Legislative Proposal Undergoing Final Staff Review***

Stakeholder comments on a Senate Committee on Environment and Public Works draft PFAS legislative proposal closed on July 14. According to the committee staff, more than 300 comments were received related to the importance of providing passive receivers like wastewater agencies, with an exemption from liability under CERCLA. The committee staff are reviewing the comments and providing recommendations to committee leaders on how to proceed with developing a formal bill for committee consideration in the fall. OC San provided its input on the importance of providing a legislative exemption from CERCLA liability. It also provided Senator Padilla, who sits on the committee, with a copy of the letter to the committee. As of this writing, committee staff have suggested that passage of PFAS legislation can only occur if the Passive Receivers policy debate is resolved.

Why the Effort is Important to OC San

As provided in past updates, the priority of securing a CERCLA exemption from liability is vital to avoid industrial manufacturers of PFAS or dischargers leveraging CERCLA to seek compensation from Passive Receivers. OC San's need for an exemption from liability is buttressed by the fact that several trade groups representing water, wastewater, solid waste, composters, cities, counties, biosolids, and Brownfields interests have weighed in on the priority to secure an exemption in any PFAS legislation that Congress may pass. For OC San, the overwhelming commitment to this need is important to advance legislation since environmental NGO's have stated that they would seek a veto of any bill that contained an exemption.

U.S. Environmental Protection Agency Continues Review of PFAS Standards and Designation

The agency continues to examine the science underlying the health threats from PFAS. This includes its work, in tandem with the Science Advisory Board's research, into the risks to public health and soils from PFAS in biosolids and whether new treatment standards should be developed. As of this writing, any final decisions on new final standards and risk assessment models are considered unlikely before 2025.

At the same time, the effort to formally designate PFAS as a hazardous substance under CERCLA and allow the agency to use its enforcement tools under CERCLA to compel cleanups has been delayed. This delay means that any effective date of a designation of PFAS chemicals is unlikely until mid-2024 at the earliest.

Why the PFAS Rulemakings and Modeling Could Impact OC San Interests

The agency must determine whether a new risk assessment model for biosolids is deemed appropriate to determine how significant an impact to human health or the environment biosolids may pose if they contain PFAS. It could manifest in more stringent standards for biosolids treatment and redefine appropriate management techniques. Additionally, if the agency officially defines PFAS as a hazardous substance under CERCLA, the decision could eliminate the availability of currently accepted management practices because such practices may be considered too risky to continue, if potential CERCLA liability were to attach to biosolids. At a minimum, the costs of land application, for example, could increase significantly to address the added risks of managing a CERCLA designated substance regardless of the level of PFAS present in biosolids.

On another note, OC San's effort to demonstrate and advance innovative PFAS destruction technology to commercialization may become increasingly important as these rulemakings could close down common management practices or make them more costly.

Federal Legislative Report - August 2023

Last Updated: August 01, 2023

Bills by Issue

Priority: High (3)

Bill Number	Last Action	Status	Position	Priority
HR 1181	Referred To The Subcommittee On Water Resources And Environment 2023 02 27	In House	Monitor	High
<p>Title To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.</p> <p>Description This bill extends the maximum term for certain permits issued under the National Pollutant Discharge Elimination System (NPDES) program. Specifically, the bill extends the maximum term for NPDES permits issued to states or municipalities from 5 to 10 years. Under the program, the Environmental Protection Agency issues permits to discharge pollutants from point sources, such as pipes, into waters of the United States.</p> <p>Primary Sponsors John Garamendi</p>		<p>Bill Summary: Last edited by Eric Sapirstein at Mar 22, 2023, 4:55 PM H.R. 1181 would provide state permitting authorities to issue ten year NPDES permits to publicly owned wastewater treatment agencies. The authority would not extend to privately owned treatment facilities such as industrial dischargers.</p> <p>Introduction Date: 2023-02-24</p>		
HR 2964	Referred To The Subcommittee On Innovation Data And Commerce 2023 04 28	In House	Monitor	High
<p>Title WIPPES Act</p> <p>Primary Sponsors Lisa McClain</p>		<p>Bill Summary: Last edited by Sarah Sapirstein at May 2, 2023, 5:00 PM Directs the Federal Trade Commission, in consultation with the Environmental Protection Agency, Commissioner of Food and Drugs, and the Consumer Product Safety Commission (as appropriate depending on the type of covered product involved) to issue regulations on "Do Not Flush" labeling requirements for nonflushable wipe, including baby wipes, household wipes, disinfecting wipes and personal care wipes. Requirements mirrors CA's labeling law. Companion Senate bill (S. 1350).</p> <p>Introduction Date: 2023-04-27</p>		

Bill Number	Last Action	Status	Position	Priority
S 1350	Read Twice And Referred To The Committee On Commerce Science And Transportation 2023 04 27	In Senate	Monitor	High
Title WIPPES Act Primary Sponsors Jeff Merkley		Bill Summary: Last edited by Sarah Sapirstein at May 2, 2023, 5:00 PM Directs the Federal Trade Commission, in consultation with the Environmental Protection Agency, Commissioner of Food and Drugs, and the Consumer Product Safety Commission (as appropriate depending on the type of covered product involved) to issue regulations on "Do Not Flush" labeling requirements for nonflushable wipe, including baby wipes, household wipes, disinfecting wipes and personal care wipes. Requirements mirrors CA's labeling law. Companion house bill (H.R. 2964). Introduction Date: 2023-04-27		

Priority: Medium (1)

Bill Number	Last Action	Status	Position	Priority
HR 250	Referred To The Subcommittee On Water Resources And Environment 2023 02 01	In House	Monitor	Medium
Title Clean Water SRF Parity Act Description Clean Water SRF Parity Act This bill expands the state revolving fund established under the Clean Water Act, including by allowing low-interest loans to be given to privately owned treatment works to address wastewater. Currently, loans are given to wastewater systems that are publicly owned. Primary Sponsors John Garamendi		Bill Summary: Last edited by David French at Jan 23, 2023, 3:54 PM Amends eligibility provisions for the Federal Water Pollution Control Act's Clean Water State Revolving Fund so that all wastewater customers have the ability to benefit from the program's low-interest loans. Supported by NAWCA Also introduce in 117th Congress - No Action Introduction Date: 2023-01-10		

Priority: None (6)

Bill Number	Last Action	Status	Position	Priority
HR 1729	Referred To The Subcommittee On Commodity Markets Digital Assets And Rural Development 2023 04 25	In House	None	None
Title Water Affordability, Transparency, Equity, and Reliability Act of 2023 Primary Sponsors Bonnie Watson Coleman		Introduction Date: 2023-03-22		

Bill Number	Last Action	Status	Position	Priority
HR 1837	Referred To The House Committee On Ways And Means 2023 03 28	In House	None	None

Title
Investing in Our Communities Act

Description
Investing in Our Communities Act This bill reinstates the exclusion from gross income for interest on certain bonds issued to advance the refunding of a prior bond issue. The exclusion was repealed for bonds issued after 2017.

Primary Sponsors
David Kustoff

Bill Summary: Last edited by Sarah Sapirstein at Apr 5, 2023, 4:08 PM
Legislation restores tax-exempt advance refunding for municipal bonds to allow states and local governments to more efficiently invest in projects.

Introduction Date: 2023-03-28

Bill Number	Last Action	Status	Position	Priority
S 115	Read Twice And Referred To The Committee On Environment And Public Works 2023 01 26	In Senate	Monitor	None

Title
Clean Water Allotment Modernization Act of 2023

Description
Clean Water Allotment Modernization Act of 2023 This bill revises the formula the Environmental Protection Agency (EPA) uses to determine how to distribute funds from the Clean Water State Revolving Fund (SRF) program. Under the program, the EPA allocates funding to states for water quality infrastructure projects, such as wastewater systems and stormwater management projects. In FY2024-FY2028, the EPA must provide an initial allotment to each state that is equal to the amount the state received in FY2023. The EPA must also provide an additional allotment to each state that is based on its share of the U.S. population. In FY2029 and each subsequent fiscal year, the EPA must use an updated allotment formula, which is based on the needs of states as identified in the most recently available clean watersheds needs survey. Beginning in FY2024, the formula must also provide allotments for Indian tribes and territories. In addition, the formula must provide an allotment for EPA's oversight of SRF projects to ensure they use American iron and steel.

Primary Sponsors
Marco Rubio

Bill Summary: Last edited by Eric Sapirstein at Apr 29, 2023, 9:02 PM
Provides for a set aside from Clean Water SRF appropriations to conduct Buy America oversight compliance, establishes that each state's allotment must be at the same level as FY 23 during FY 24-28 and additional allotments based on percent of state population to the nation. FY 29 and beyond allotments to be determined by new formula based upon Clean Water Needs Survey.

Introduction Date: 2023-01-26

Bill Number	Last Action	Status	Position	Priority
S 938	Read Twice And Referred To The Committee On Finance 2023 03 22	In Senate	None	None

Title
Water Affordability, Transparency, Equity, and Reliability Act of 2023

Primary Sponsors
Bernie Sanders

Bill Summary: Last edited by Sarah Sapirstein at Apr 5, 2023, 4:45 PM
S. 938 would establish a \$35 billion trust fund to support the construction of water and wastewater treatment systems. Funding would be derived from an increase in the corporate tax rate. The bill also imposes requirements for Department of Justice and USEPA to carryout activities to determine whether water and wastewater operators discriminate in the provision of services. USEPA must also investigate the impact of rates on service cut-offs. Additional provisions would address use of assistance to promote regionalization of systems and limitations on the use of federal assistance to support projects that address growth. The bill enjoys 500 NGO organizational support. It has five cosponsors. House companion bill, H.R. 1729 is cosponsored by Lee, DeSaulnier and Huffman along with 69 other House Democrats.

Introduction Date: 2023-03-22

Bill Number	Last Action	Status	Position	Priority
S 1430	Read Twice And Referred To The Committee On Environment And Public Works 2023 05 03	In Senate	Monitor	None

Title
Water Systems PFAS Liability Protection Act

Primary Sponsors
Cynthia Lummis

Bill Summary: Last edited by Eric Sapirstein at May 30, 2023, 2:55 PM
S. 1430 would provide a limited CERCLA liability (section 107) exemption for PFAS family of chemicals for water and wastewater agencies. S. 1430 would not exempt an agency from liability in cases of gross negligence. The legislation is not expected to be approved by the Senate Committee on Environment and Public Works. Instead, its policy direction could be incorporated into a committee bill addressing PFAS R&D.

Introduction Date: 2023-05-03

Bill Number	Last Action	Status	Position	Priority
S 2162	Committee On Energy And Natural Resources Subcommittee On Water And Power Hearings Held 2023 07 19	In Senate	None	None

Title
STREAM Act

Primary Sponsors
Dianne Feinstein

Bill Summary: Last edited by Eric Sapirstein at Jun 27, 2023, 4:16 PM
S. 2162 is an introduction of legislation to renew expiring provisions of the WIIN Act. It is notable for its increased funding authorizations for surface and groundwater storage projects, water recycling, desalination, and ecosystem restoration projects. Among the changes that would be authorized would be priorities for water supply projects that include enhanced public benefits (fisheries, wildlife and disadvantage communities drinking water reliability. The legislation would also provide for enhanced water transfers to support temporary fallowing of agriculture lands to support wildlife habitats.

Introduction Date: 2023-06-22

MEMORANDUM

To: Orange County Sanitation District
From: Townsend Public Affairs
Date: August 1, 2023
Subject: Monthly Legislative Report

State Legislative Updates

The first half of July featured numerous legislative policy committees as the Legislature worked to consider bills before the July 14 deadline. The deadline marked the final day for bills in their second house to move out of their policy committees and into fiscal committees or the second house floor for final consideration. July 14 also marked the beginning of the Legislative Summer Recess, with legislators returning August 14.

Despite the lack of legislative activity at the end of the month, July was a critical time for behind-the-scenes negotiations on bills and funding activity as the Legislature gears up to tackle the final month of the legislative session. As of their return on August 14, the Legislature will have 1,231 measures to consider before adjourning for the Interim Recess on September 14.

State Budget

In mid-July, Governor Newsom signed into law the final pieces of the 2023-24 State Budget deal reached with lawmakers. Alongside the infrastructure bills, Governor Newsom also signed into law AB 102, known as “Budget Bill Jr.,” which amends a version of the budget passed last month. The Budget Bill Jr. reflects the final budget agreement as a result of negotiations between the Governor and Legislators.

Other notable bills passed a part of the budget negotiations include the infrastructure streamlining package, which accelerates certain clean energy and infrastructure projects the State needs to address climate change. The bill package aims to cut down on the process, paperwork, and litigation time for infrastructure projects that are subject to California’s Environmental Quality Act. While unlikely to apply to any specific OC San projects, it is likely this legislation will have a positive impact on major statewide infrastructure projects that could benefit OC San.

Record-Breaking Water Stored in California

Governor Newsom’s Executive Order in March 2023 allowed the California Department of Water Resources (DWR) to quickly manage this year’s snowmelt runoff and leverage it for increased storage in reservoirs, groundwater recharge, and water transfers. California reservoirs have benefited from the historic rain and snow this past winter. DWR worked throughout the winter and spring to maximize the capture and storage of this abundant precipitation.

Since December 1, 2022, the State Water Project (SWP) captured a total of 3.5 million acre-feet in SWP reservoirs and saw the greatest increase in Lake Oroville storage in the project's history. Because California saw such extreme precipitation levels, SWP allocations were able to increase at different stages in the year. In March, DWR announced a 75 percent allocation for SWP deliveries. In April 2023, DWR announced a 100 percent allocation for SWP deliveries for the first time since 2006.

One goal from [Governor Newsom's Water Supply Strategy](#), released in August 2022, is to increase groundwater recharge capacity by an average of 500,000 acre-feet per year. While there is currently limited data available on statewide groundwater recharge, DWR has determined an estimated 3.8 million acre-feet of water has been recharged this year, which is estimated water usage for more than 11 million California households annually.

Court Overturns California Ban on Local Government Workers Seeking Political Donations

In late-July, the Ninth U.S. Circuit Court of Appeals ruled that California is violating the rights of more than a million local government employees in the state by forbidding them to ask coworkers for contributions to a political candidate, while not imposing the same ban on state employees. Additionally, the Court stated that California failed to justify the unequal treatment.

State laws previously prohibited both state and local government employees from seeking campaign contributions from other employees. However, a law signed by Governor Jerry Brown in 1976 exempted state workers from this rule and left the ban in place on local employees. Violation of this law includes misdemeanor crime charges.

Judge Martha Berzon, writing for the three-judge panel that reviewed the legal challenge, rejected arguments from state Attorney General Rob Bonta's office that the two-tiered rules were necessary to prevent coercion and corruption, and that uniform, statewide oversight over state workers justified the additional level of scrutiny for county and local employees. Presuming the circuit court's decision stands, local government workers would likely be governed by the same rules as state employees, which include prohibitions against political solicitation during work hours and citing one's work title or rank in those communications.

More than 1 million local government employees would be affected by the court's ruling, according to Berzon's decision. The ruling reverses U.S. District Judge Haywood Gilliam Jr.'s decision to uphold the political solicitation ban in 2021.

Speaker Rivas Makes Assembly Leadership Changes

In early July, Assembly Speaker Rivas announced his appointments for Speaker Pro Tem and Assembly Majority Leader. Assembly Member Cecilia Aguiar-Curry will assume the role of Speaker Pro Tem, and Assembly Member Isaac Bryan will be the new Majority Leader for the 62-member Democratic caucus.

Replacing Assembly Member Aguiar-Curry as chair of the Assembly Local Government Committee is Assembly Member Juan Carrillo. Assembly Member Carrillo previously served as a Council Member on the Palmdale City Council. His chairmanship of the committee overseeing local policy issues could bring changes to the future progression of local government policy proposals and could signal a change in attitude toward unsuccessful proposals that OC San has previously brought forward or supported.

**OC San
State
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
Proposed Legislation 2023						
High Priority						
AB 234	Bauer-Kahan [D]	The Microbeads Nuisance Prevention Law prohibits a person from selling or offering for promotional purposes in the state any personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste. This bill would express the intent of the Legislature to enact subsequent legislation that would prohibit the sale in this state of rinse-off cosmetics, detergents, waxes, and polishes that contain intentionally added synthetic polymer microparticles, including products identified in the synthetic polymer microparticle Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) restrictions adopted by the European Union (EU).	Two Year Bill	Support	State Priorities: Support legislation or regulations that restrict the use of microplastics and chemicals of emerging concern in any product that is disposed of through the sewer system.	ACC-OC - NYC LOCC - NYC CASA - Support in Concept CSDA - Watch ACWA - NYC
AB 246	Papan [D]	Could, beginning January 1, 2025, prohibit any person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain regulated PFAS, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in menstrual products to comply with these provisions. The bill would require a manufacturer of a menstrual product to provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the menstrual product is in compliance with these provisions and does not contain any regulated PFAS.	Currently in the Senate Appropriations Committee	Support	State Priorities: Monitor state legislation as well as State Water Resources Control Board (SWRCB) regulatory activity related to PFAS.	ACC-OC - NYC LOCC - NYC CASA - Support CSDA - Watch ACWA - NYC
AB 281	Grayson [D]	Would require a special district that receives an application from a housing development project for service from a special district or an application from a housing development project for a post entitlement phase permit, as specified, to provide written notice to the applicant of next steps in the review process, including, but not limited to, any additional information that may be required to begin to review the application for service or approval. The bill would require the special district to provide this notice within 30 business days of receipt of the application for a housing development with 25 units or fewer, and within 60 business days for a housing development with 26 units or more. The bill would define various terms for these purposes. By imposing additional duties on special districts, the bill would impose a state-mandated local program.	Currently in the Senate Appropriations Committee	Watch	Legislative and Regulatory Policies: Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Neutral ACWA - Watch
AB 334	Rubio [D]	Seeks to clarify the State's conflict of interest law, California Government Code 1090. This bill would establish that an independent contractor, who meets specified requirements, is not an officer for purposes of being subject to the prohibition on being financially interested in a contract.	Currently in the Senate Appropriations Committee	Support	Legislative and Regulatory Policies: Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - Support CASA - Support CSDA - Support ACWA - Favor

**OC San
State
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
AB 340	Fong [R]	The California Environmental Quality Act (CEQA) prohibits an action or proceeding from being brought in a court to challenge the approval of a project by a public agency unless the alleged grounds for noncompliance are presented to the public agency orally or in writing by a person during the public comment period provided by CEQA or before the close of the public hearing on the project before the issuance of the notice of determination. This bill would require the alleged grounds for noncompliance with CEQA presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. The bill would prohibit the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an action or proceeding may be brought.	Two Year Bill	Watch	Legislative and Regulatory Policies: Environment/Climate Resiliency - Support efforts to reform the California Environmental Quality Act (CEQA) to streamline current procedures and regulations for projects to refurbish or replace existing infrastructure facilities.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Watch ACWA - NYC
AB 516	Ramos [D]	The Mitigation Fee Act imposes certain requirements on a local agency that imposes a fee as a condition of approval of a development project that is imposed to provide for an improvement to be constructed to serve the development project, or a fee for public improvements, as specified. In this regard, the Mitigation Fee Act requires the local agency to deposit the fee in a separate capital facilities account or fund, and to make certain information about the account or fund public annually, as specified. The Mitigation Fee Act requires that information to include an identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as specified. The Mitigation Fee Act also requires that information to include the amount of refunds made to the owners of the lots or units of the development project, as specified. This bill would require the report to include an identification of each public improvement identified in a previous report, whether construction began on the approximate date noted in the previous report, the reason for the delay, if any, and a revised approximate date that the local agency will commence construction, if applicable.	Currently on the Senate Floor	Watch	Legislative and Regulatory Policies: Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - Work with Author CSDA - Watch ACWA - NYC
AB 557	Hart [D]	Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified. Current law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely.	Currently on the Senate Floor	Watch	Legislative and Regulatory Policies: Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - Sponsor CASA - Support CSDA - Sponsor ACWA - Favor

**OC San
State
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
AB 727	Weber	Seeks to ensure that additional perfluoroalkyl and polyfluoroalkyl substances (PFAS) are kept out of our environment. AB 727 focuses on prohibiting manufacturing, selling, delivering, distributing, holding, or offering for sale in the state, a cleaning product that contains regulated PFAS.	Currently in the Senate Appropriations Committee	Support	State Priorities: Monitor state legislation as well as State Water Resources Control Board (SWRCB) regulatory activity related to PFAS.	ACC-OC - NYC LOCC - NYC CASA - Sponsor CSDA - Watch ACWA - NYC
AB 759	Grayson [D]	Current law authorizes a sanitary district to acquire, plan, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate garbage dumpsites and garbage collection and disposal systems, sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, and water recycling and distribution systems, as the deemed necessary and proper by the governing board of the district. Current law generally authorizes the district to expend money only upon written order of the board. This bill would instead authorize funds to be expended in a manner prescribed by the board.	Signed into law	Watch	Legislative and Regulatory Policies: Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - Sponsor CSDA - Support ACWA - Favor
AB 1152	Patterson [R]	Would exempt from the California Environmental Quality Act (CEQA) a project to construct or expand a recycled water pipeline for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor if the project meets specified criteria. Because a lead agency would be required to determine if a project qualifies for this exemption, this bill would impose a state-mandated local program. The bill would also exempt from CEQA the development and approval of building standards by state agencies for recycled water systems.	Two Year Bill	Watch	Legislative and Regulatory Policies: Environment/Climate Resiliency - Support efforts to reform the California Environmental Quality Act (CEQA) to streamline current procedures and regulations for projects to refurbish or replace existing infrastructure facilities.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Watch ACWA - NYC
AB 1196	Villapadua [D]	The Water Quality, Supply, and Infrastructure Improvement Act of 2014, a bond act approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds to finance a water quality, supply, and infrastructure improvement program, as specified. Under the bond act, \$520,000,000 is available, upon appropriation by the Legislature, for expenditures, grants, and loans for projects that improve water quality or help provide clean, safe, and reliable drinking water to all Californians. Current law requires projects eligible for this funding to help improve water quality for a beneficial use. This bill would make a nonsubstantive change to the latter provision.	Two Year Bill	Watch	Guiding Priorities: Obtain financial assistance for OC San projects through grants, loans, and legislative directed funding.	ACC-OC - NYC LOCC - NYC CASA - Support if Amended CSDA - Watch ACWA - NYC

**OC San
State
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
AB 1216	Muratsuchi [D]	Would require, on or before January 1, 2025, the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area and has an original design capacity of 425,000,000 gallons or more per day to develop, install, operate, and maintain a wastewater treatment-related fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district. The bill would require the wastewater treatment-related fence-line monitoring system to include equipment capable of measuring pollutants of concern, including hydrogen sulfide, nitrogen oxides, and volatile organic compounds emitted to the atmosphere from wastewater treatment or reclamation processes that the appropriate district deems appropriate for monitoring. The bill would also require the owner or operator of a wastewater treatment facility to collect real-time data from the wastewater treatment-related fence-line monitoring system, to maintain records of that data, and to transmit the data to the appropriate air quality management district in accordance with the district's guidance. In addition, the bill would require, to the extent feasible, the data generated by these systems to be provided to the public as quickly as possible in a publicly accessible format.	Currently in the Senate Appropriations Committee	Oppose	Legislative and Regulatory Policies: Air Quality - Oppose redundant and unreasonable requirements, such as potentially double reporting requirements, with respect to emissions reporting associated with AB 617.	ACC-OC - NYC LOCC - NYC CASA - Oppose CSDA - Watch ACWA - NYC
AB 1423	Schiavo [D]	Would, commencing January 1, 2024, require a manufacturer or installer of a covered surface, defined as artificial turf or a synthetic surface that resembles grass, proposing to design, sell, or install a field with a covered surface to any party to notify the party at the earliest possible date that the covered surface contains regulated PFAS, as defined. The bill would also prohibit, commencing January 1, 2024, a public entity, including a charter city, charter county, city, or county, any public or private school serving pupils in kindergarten or any of grades 1 to 12, inclusive, a public institution of higher education, other than the University of California, or a private institution of higher education from purchasing or installing a covered surface containing regulated PFAS, as provided.	Currently in the Senate Appropriations Committee	Watch	State Priorities: Monitor state legislation as well as State Water Resources Control Board (SWRCB) regulatory activity related to PFAS.	ACC-OC - NYC LOCC - NYC CASA - Watch CSDA -Watch ACWA - NYC
AB 1567	E. Garcia [D]	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.	Referred to the Senate Natural Resources and Water Committee and the Senate Governance and Finance Committee	Watch	Guiding Priorities: Obtain financial assistance for OC San projects through grants, loans, and legislative directed funding.	ACC-OC - NYC LOCC - Support if Amended CASA - Support if Amended CSDA -Support if Amended ACWA - Support if Amended

**OC San
State
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
AB 1594	E. Garcia [D]	This bill would require any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles by a public agency utility to ensure that those vehicles can support a public agency utility's ability to maintain reliable water and electric services, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide, among other requirements. The bill would define a public agency utility to include a local publicly owned electric utility, a community water system, and a wastewater treatment provider, as specified.	Currently in the Senate Appropriations Committee	Support	Legislative and Regulatory Policies: Air Quality - Oppose redundant and unreasonable requirements, such as potentially double reporting requirements, with respect to emissions reporting associated with AB 617.	ACC-OC - NYC LOCC - NYC CASA - Support CSDA - Watch ACWA - Favor
AB 1660	Ta [R]	Existing law requires the State Air Resources Board to adopt regulations to achieve the maximum feasible reduction in volatile organic compounds emitted by consumer products, as defined, if the state board determines adequate data exist to establish the regulations are necessary to attain state and federal ambient air quality standards and the regulations are commercially and technologically feasible and necessary. This bill would authorize the state board to exempt an intentionally added PFAS from that prohibition if the state board determines that the intentionally added PFAS has characteristics that are beneficial for the environmental goals of the State of California and is not identified as persistent, bioaccumulative, and toxic to the environment. This bill contains other existing laws.	Two Year Bill	Watch	State Priorities: Monitor state legislation as well as State Water Resources Control Board (SWRCB) regulatory activity related to PFAS.	ACC-OC - NYC LOCC - NYC CASA - Oppose CSDA - Watch ACWA - NYC
ACA 2	Alanis [R]	Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3 percent of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50 percent of the moneys in the fund be used for water projects, as specified, and that the other 50 percent of the moneys in the fund be used for forest maintenance and health projects, as specified.	Referred to the Assembly Water, Parks, and Wildfire Committee and the Assembly Natural Resources Committee	Watch	Guiding Priorities: Obtain financial assistance for OC San projects through grants, loans, and legislative directed funding.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Watch ACWA - NYC
SB 23	Caballero [D]	This bill would require, if an applicant requests a preapplication consultation, the state board or regional boards to adhere to specified procedures and timelines in reviewing the application before issuing project certification. The bill would authorize a project proponent to petition the state board to reconsider its determination of application completeness, or to appeal to the state board any regional board's determination of application completeness. This bill would authorize a state agency, defined to mean any agency, board, or commission, including the state board or the regional boards, with the power to issue a permit that would authorize a water supply project or authorize a flood risk reduction project, to take specified actions in order to complete permit review and approval in an expeditious manner. The bill would make findings and declarations related to the need to expedite water supply projects and flood risk reduction projects to better address climate change impacts while protecting the environment.	Two Year Bill	Watch	Legislative and Regulatory Policies: Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Support ACWA - Sponsor

**OC San
State
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
SB 34	Umberg [D]	Would, until January 1, 2030, would require the County of Orange, or any city located within Orange County, if notified by the Department of Housing and Community Development that its planned sale or lease of surplus land is in violation of existing law, to cure or correct the alleged violation within 60 days, as prescribed. The bill would prohibit an Orange County jurisdiction that has not cured or corrected any alleged violation from disposing of the parcel until the department determines that it has complied with existing law or deems the alleged violation not to be a violation.	Currently in the Assembly Appropriations Committee	Oppose Unless Amended	Legislative and Regulatory Policies: Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Oppose Unless Amended ACWA - NYC
SB 229	Umberg [D]	Current law, among other enforcement provisions, makes a local agency that disposes of land in violation of these disposal provisions, after receiving notification of violation from the department, liable for a penalty of 30 percent of the final sale price of the land sold in violation for a first violation and 50 percent for any subsequent violation. Under current law, except as specified, a local agency has 60 days to cure or correct an alleged violation before an enforcement action may be brought. This bill would require a local agency that has received a notification of violation from the department to hold an open and public session to review and consider the substance of the notice of violation. The bill would require the local agency's governing body to provide prescribed notice no later than 14 days before the public session.	Currently in the Assembly Appropriations Committee	Oppose Unless Amended	Legislative and Regulatory Policies: Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Oppose Unless Amended ACWA - NYC
SB 411	Portantino [D]	This bill, until January 1, 2028, would authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act.	Currently on the Assembly Floor	Watch	Legislative and Regulatory Policies: Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - Support CASA - Support CSDA - Watch ACWA - NYC

**OC San
State
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
SB 659	Ashby [D]	Would establish the California Water Supply Solutions Act of 2023 to, among other things, achieve an increase of 10,000,000 acre-feet of annual groundwater recharge by December 31, 2035, in order to increase the state's groundwater supply. The bill would require, on or before January 1, 2025, the department, in consultation with the water boards, as defined, to prepare and approve a groundwater recharge action plan to be included in the next update to the California Water Plan. The bill would require the groundwater recharge action plan to identify and make recommendations on immediate opportunities and potential long-term solutions to increase the state's groundwater supply, as specified. The bill would require specified actions with regards to the groundwater recharge action plan, including, among other things, requiring the department and water boards to update the groundwater recharge action plan at the same time that they prepare updates to the California Water Plan. The bill would require, by December 31, 2035, the department and water boards to implement the recommendations identified in the groundwater recharge action plan that result in new infrastructure and institutional mechanisms in place that provide for the ability to create an additional average annual groundwater recharge amount of 10,000,000 acre-feet.	Currently in the Assembly Appropriations Committee	Watch	Guiding Priorities: Obtain financial assistance for OC San projects through grants, loans, and legislative directed funding.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Watch ACWA - Favor
SB 745	Cortese [D]	Would require the California Building Standards Commission to research, develop, adopt, approve, codify, and publish voluntary and mandatory building standards to reduce potable water use in new residential and nonresidential buildings, as specified. The bill would require the commission to perform a review of voluntary and mandatory water efficiency and water reuse standards in the California Buildings Standards Code every 3 years, commencing with the next triennial edition, and update as needed.	Currently in the Assembly Appropriations Committee	Watch	Legislative and Regulatory Policies: Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Oppose Unless Amended ACWA - Not Favor Unless Amended
SB 867	Allen [D]	Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.	Currently in the Assembly Natural Resources Committee	Watch	Guiding Priorities: Obtain financial assistance for OC San projects through grants, loans, and legislative directed funding.	ACC-OC - NYC LOCC - Support if Amended CASA - Support if Amended CSDA - Support if Amended ACWA - Support if Amended

Legend:

ACC-OC - Association of California Cities, Orange County

LOCC - League of California Cities

NYC - Not Yet Considered

CASA - California Association of Sanitation Agencies

ACWA - Association of California Water Agencies

CSDA - California Special Districts Association



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3145

Agenda Date: 8/23/2023

Agenda Item No: 3.

FROM: Robert Thompson, General Manager

SUBJECT:

PUBLIC AFFAIRS UPDATE FOR THE MONTH OF JULY 2023

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Receive and file the Public Affairs Update for the month of July 2023.

BACKGROUND

Included in this report are recent activities of interest managed by the Public Affairs Office for the month of July 2023.

RELEVANT STANDARDS

- Maintain influential legislative advocacy and a public outreach program
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities
- Listen to and seriously consider community input on environmental concerns

PROBLEM

The Orange County Sanitation District (OC San) is well-recognized within the water/wastewater industry; however, within our service area, as we do not have direct communications through a billing method, there may be limited knowledge by our customers of the important work we do to protect public health and the environment. In general, the customers we serve may not realize that when they improperly dispose of waste into the sanitation system, it can negatively affect our sewer lines, our treatment plants, and the quality of water we supply for the GWRS.

PROPOSED SOLUTION

By providing tours, community outreach, education, and general communication via OC San's website, social media, and direct mailings, we can share information with the community, local agencies, and businesses on our messaging such as the What2Flush program, energy production, water recycling, biosolids, and OC San's source control program. This, in turn, helps improve the quality of wastewater that is recycled or released to the ocean and the knowledge and understanding of wastewater treatment.

RAMIFICATIONS OF NOT TAKING ACTION

If OC San does not inform the community, local agencies, and area businesses about OC San, we may not have the support necessary to deliver our mission.

PRIOR COMMITTEE/BOARD ACTIONS

July 2022 - Public Affairs Strategic Plan for Fiscal Years 2022-2024 approved.

ADDITIONAL INFORMATION

Activities for the month of July 2023:

Outreach Report

An outreach report that includes tours, website and social media posts, construction notifications, speaker engagements, and more is attached to this Agenda Report.

Social Media

OC San messaging, announcements, and program updates were posted across OC San's social media platforms.

- Facebook: 18 posts reaching 2.9k people
- Twitter: 16 posts reaching 1k people
- Instagram: 39 posts reaching 6.7k people
- LinkedIn: 8 posts and reaching 5.6k people

Media Coverage

During the month of July, OC San was highlighted in an article from Granicus regarding our use of technology to modernize processes and in Bloomberg.com regarding forever chemicals. These and other articles can be found in the Outreach Report.

Presentations and Industry Coverage

In July, employees hosted nine tours and provided two speaking engagements reaching approximately 357 people. Staff presented at the Society of Military Engineers' OC and LA Small Business Forum on the Capital Improvement Program and sat on a panel for the Asian American Architects and Engineers. Our General Manager participated in meetings with the Orange County Business Council and National Water Reliance Industry. Staff also held collaboration and coordination meetings with Central San and OCWD. A presentation was also given to the Huntington Beach Southeast Area Council Committee regarding Plant No. 2 activities. Details can be found in the Outreach Report.

Neighborhood Connection Newsletter

The summer issue of OC San's community newsletter, The Neighborhood Connection, was distributed. The issue includes information on OC San's 69th anniversary, careers in wastewater, a look back at our process improvements, and the return of in-person tours. The newsletter was distributed electronically to approximately 4,500 readers and shared on our social media platforms.

Construction Outreach Update

Outreach efforts continue for OC San construction activities throughout the service area. Projects are ongoing in Fountain Valley, Seal Beach, Westminster, Buena Park, Anaheim, and within both of our treatment plants. Website updates, email text alerts, and direct notifications continue to be distributed as the projects progress. In July, updates were provided to the Fountain Valley, Buena Park, Anaheim, Seal Beach, Los Alamitos, and the Rossmoor communities.

Internal Communication

In July, there were 57 posts on the employee intranet -*The San Box*, and four weekly emails distributed on hot topics for the week.

Awards

OC San won two awards from the American Inhouse Design Awards from Graphic Design USA. It is a premier competition for design professionals, with over 7,000 entries and only 10%. The awards were given for the banners on the light poles and for the 2021-22 Capital Improvement Program (CIP) Annual Report.

OC San and OCWD's GWRS Project has been awarded the Project Excellence Award from the Water Environment Federation. The award will be given at the October Water Environment Federation Conference.

CASA has awarded OC San and OCWD with the 2023 Capital Project Award for the Final Completion of the GWRS. The award was received by our General Manager at the CASA Conference on August 10.

OC San received the ESRI Special Achievement Award in GIS. Our Ocean Monitoring program uses ArcGIS to ensure safe water for swimming, healthy marine populations, seafood is safe to consume, and good water quality. OC San was one of 197 chosen from more than 100,000 ESRI clients worldwide. ESRI users are nominated by ESRI leadership and distributor organizations, with finalists selected by President and founder of ESRI, Jack Dangermond.

Upcoming Activities for August:

Joint GWRS Staff Appreciation luncheon

OC San and OCWD are hosting a joint staff luncheon to recognize their efforts in successfully completing the GWRS.

CEQA

N/A

FINANCIAL CONSIDERATIONS

All items mentioned are included in OC San's FY 2022-2024 Budget.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Outreach & Media Report - July 2023

Outreach and Media Summary



July 2023

OC San Public Affairs Office

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LINKEDIN POSTINGS.....	PAGE 6
NEWS ARTICLES.....	PAGE 7

Outreach Report July 2023

Date	Tours	Attendees	Tour Guide
7/14/23	Eric Larsh and Contractor Tom Howard	2	Rob Thompson
7/17/23	Alternate Director Bui and guests	7	Rob Thompson
7/18/23	Purchasing and Accounting Group Tour	26	Dickie Fernandez
7/20/23	Costa Mesa Sanitary District Staff Tour	6	Jacob Dalgoff
7/20/23	City of Anaheim Staff Tour	12	Andrew Brown/ Dickie Fernandez
7/22/23	Resident Tour	3	Eddie Baker
7/25/23	Cal State Long Beach Nursing Group	25	Cortney Light
7/26/23	Cal State Long Beach Nursing Group	16	Tom Meregillano
7/27/23	New Employee Tour	20	Rob Thompson/ Jennifer Cabral
Date	Speaking Engagements/Events	Attendees	Presenter
7/20/23	Asian American Architects and Engineers	80	Eros Yong
7/20/23	Society of Military Engineers' OC and LA Small Business Forum on Capital Improvement Program	140	Mike Dorman
7/26/23	Huntington Beach Southeast Area Council Committee Meeting	20	Kelly Newell
Project Area	Outreach Notifications	# of People Reached	Website Posts and Text Alerts
Anaheim/ Buena Park	Orange Western Sewer - project update	150	2 website posts/ 1 text alerts
Fountain Valley	Headquarters Building – bridge installation	500	1 website post
Los Alamitos/ Seal Beach	Los Alamitos Sewer - project update	1200	2 website posts/ 1 text alert
Service Area	Community newsletter – spring issue	4500	1 website post
External Communications	Distribution	# of People Reached	
5 Minutes Per Month	One – budget approval	216	
Board Member Talking Points	One	50	
Website Posts	9 posts	2.3k views	Website
Facebook	18 posts	2.9k reached	Social Media

Twitter	16 tweets	1k reached	Social Media
Instagram	39 posts	6.7k reached	Social Media
LinkedIn	8 posts	5.6k reached	Social Media

Post performance - Facebook Pages

Data from 01 Jul, 2023 to 31 Jul, 2023

Sources

Orange County Sanitation District

DATE	POST	ENGAGEMENT RATE	IMPRESSIONS	REACH
Jul 31, 14:06	PLUMBER: That'll be \$1300 to unclog your pipes because of all the wipes stuck in there. ENOUGH is ENOUGH! Stop flushing "flushable" wipes and flushing your money down the drain. #What2Flush #ThreePs	6.53%	215	199
Jul 29, 17:50	Protecting our beaches is preserving nature's beauty. Join the movement for a cleaner, greener future! #ProtectOurCoastline #CleanBeaches	3.39%	63	59
Jul 27, 16:01	Flush responsibly for a cleaner future: a message from OC San	5.88%	114	102
Jul 26, 20:38	Don't miss out, the OC San Steering Committee (5 p.m.) and Board Meetings (6 p.m.) are happening today. Click here to view the agenda:	4.35%	47	46
Jul 26, 19:21	OC San has switched to a new subscription system! Stay up to date on all the happenings at OC San. We are now using GovDelivery to send emails from an ocsanwebmaster account. To sign up visit, ocsan.gov and submit your email in...	8.7%	48	46
Jul 23, 15:30	The Guides are back in town. JK, we never left, BUT the OC San IN PERSON TOURS ARE BACK! Visit ocsan.gov/tours to sign up for our next one. #OCSanTours #WastewaterTour	9.02%	266	255
Jul 21, 17:30	It's getting hot in here - in the Digesters! Our digesters are heated to about 98 degrees because the good anaerobic bacteria need heat. #TheMoreYouKnow #Biosolids	8.64%	256	243
Jul 21, 16:02	Ellis Avenue Detour Alert in Fountain Valley City Hall Please take note that a detour on Ellis Avenue will be in place starting as early as Friday, July 21 at 9 p.m. through Sunday, July 23 at 5 p.m. Ellis Avenue will be closed between...	5.42%	247	240
Jul 19, 18:00	Strap me in, coach! Safety is always the priority when working with OC San. Check out some of the work being done at our facility.	12.69%	331	331
Jul 17, 20:00	The Latest and Greatest is out. The summer issue of the OC San Connection Newsletter is available at ocsan.gov/newsletter	4.84%	68	62
Jul 17, 17:06	The Latest and Greatest is out. The summer issue of the OC San Connection Newsletter is available at ocsan.gov/newsletter	8.62%	65	58
Jul 14, 16:01	Wastewater, but making it look good! OC San was awarded two In-House Graphic Design Awards from Graphic Design USA this year for our street banners and CIP Report.	8.95%	205	190
Jul 12, 16:44	Check out the latest OC San career opportunities. If you don't see something you qualify for, submit a job interest form to be notified when something else becomes available. #CareersInWastewater #OCSanCareer	7.59%	508	461
Jul 10, 23:12	The OC San Administration Committee Meeting is happening this Wednesday, July 12 @5 p.m. Click here to view the agenda:	3.39%	72	59
Jul 10, 23:08	The GFOA of the US & Canada recognized us once again for our Annual Comprehensive Financial Report. Join in celebrating by giving us a like!	9.23%	211	195
Jul 05, 15:35	The Operations Committee Meeting is happening today at 5 p.m. Click here to view the agenda:	2.11%	104	95
Jul 03, 20:03	Check out our spiffy new look! 🚗 Our OC San Tour Bus is ready to hit the roads! 📺 Get a sneak peek of this amazing transformation in this time lapse video - a fresh start for fun, in-person tours! 📍 visit ocsan.gov/tours for more info....	7.49%	203	187
Jul 01, 18:00	Happy #FlushSmartDay! 🧼🚽 Our friends at the Responsible Flushing Alliance know the importance of practicing smart flushing habits to protect your local wastewater systems. Always take a quick look for the "Do Not Flush"...	3.95%	86	76

Post performance - Twitter

Data from 01 Jul, 2023 to 31 Jul, 2023

Sources

@OCSanDistrict

DATE ▼	POST	ENGAGEMENT RATE	ENGAGEMENTS	IMPRESSIONS
@OCSanDistrict Jul 31, 14:03	PLUMBER: That'll be \$1300 to unclog your pipes because of all the wipes stuck in there. ENOUGH is ENOUGH! Stop flushing "flushable" wipes and flushing your money down the drain. #What2Flush #ThreePs" https://twitter.com/OCSanDis...	6.73%	7	104
@OCSanDistrict Jul 29, 17:50	Protecting our beaches is preserving nature's beauty. Join the movement for a cleaner, greener future! #ProtectOurCoastline #CleanBeaches https://twitter.com/OCSanDistrict/status/1685346988982726656/photo/1	0%	0	51
@OCSanDistrict Jul 27, 16:03	Flush responsibly for a cleaner future: a message from OC San https://twitter.com/OCSanDistrict/status/1684595383765196800/photo/1	9.46%	7	74
@OCSanDistrict Jul 26, 19:21	OC San has switched to a new subscription system! Stay up to date on all the happenings at OC San. We are now using GovDelivery to send emails from an ocsanwebmaster account. To sign up visit, http://ocsan.gov and submit your email in the pop-up box at the bottom.	2.22%	1	45
@OCSanDistrict Jul 23, 15:30	The Guides are back in town. Jk, we never left, BUT the OC San IN PERSON TOURS ARE BACK! Visit http://ocsan.gov/tours to sign up for our next one. #OCSanTours #WastewaterTour https://twitter.com/OCSanDistrict/status/168...	5.3%	7	132
@OCSanDistrict Jul 21, 17:30	It's getting hot in here - in the Digesters! Our digesters are heated to about 98 degrees because the good anaerobic bacteria need heat. #TheMoreYouKnow #Biosolids https://twitter.com/OCSanDistrict/status/1682442946820308992/...	4.06%	5	123
@OCSanDistrict Jul 21, 16:12	Detour in Fountain Valley! Detour on Ellis Avenue starting as early as Fri 7/21 at 9 p.m. to Sun 7/23 at 5 p.m. Ellis Avenue closed between Bandilier Circle and Pacific Street for pedestrian bridge installation. More info at http://www.ocsa...	0%	0	30
@OCSanDistrict Jul 19, 18:02	Strap me in, coach! Safety is always the priority when working with OC San. Check out some of the work being done at our facility. https://twitter.com/OCSanDistrict/status/1681726321095786498/photo/1	5.33%	4	75
@OCSanDistrict Jul 17, 20:02	The Latest and Greatest is out. The summer issue of the OC San Connection Newsletter is available at http://ocsan.gov/newsletter https://twitter.com/OCSanDistrict/status/1681031619195412483/photo/1	2.56%	1	39
@OCSanDistrict Jul 17, 17:05	The Latest and Greatest is out. The summer issue of the OC San Connection Newsletter is available at http://ocsan.gov/newsletter https://twitter.com/OCSanDistrict/status/1680987032124813314/photo/1	2.86%	1	35
@OCSanDistrict Jul 14, 16:03	Wastewater, but making it look good! OC San was awarded two In-House Graphic Design Awards from Graphic Design USA this year for our street banners and CIP Report. https://twitter.com/OCSanDistrict/status/1679884304036290...	3.51%	2	57
@OCSanDistrict Jul 12, 16:44	Check out the latest OC San career opportunities. If you don't see something you qualify for, submit a job interest form to be notified when something else becomes available. #CareersInWastewater #OCSanCareer https://twitter.com...	2.13%	1	47
@OCSanDistrict Jul 10, 23:08	The @GFOA recognized us once again for our Annual Comprehensive Financial Report. Join in celebrating by giving us a like! https://twitter.com/OCSanDistrict/status/1678541853648453632/photo/1	4.55%	3	66
@OCSanDistrict Jul 03, 20:00	Check out our spiffy new look! 🚌 Our OC San Tour Bus is ready to hit the roads! 📺 Get a sneak peek of this amazing transformation in this time lapse video – a fresh start for fun, in-person tours! 📍 visit http://ocsan.gov/tours for more info...	7.04%	5	71
@OCSanDistrict Jul 01, 18:01	Thanks to the "Do Not Flush" symbol, there's no more guess work when disposing of wipes! Always look for the symbol on wipes packaging to avoid clogs. #FlushSmartDay Visit the Responsible Flushing Alliance (@FlushSmart) to learn more! https://flushsmart.org/	10.53%	8	76
@OCSanDistrict Jul 01, 15:51	Congratulations, looking forward to the next 90 years of success and achievements. https://twitter.com/ocwdwaternews/status/1674840920364130304	5.88%	3	51

Post performance - Instagram Business

Data from 01 Jul, 2023 to 31 Jul, 2023

Sources

ocsandistrict

DATE	POST	ENGAGEMENT RATE	IMPRESSIONS	LIKES	REACH
Jul 31, 14:01	PLUMBER: That'll be \$1300 to unclog your pipes because of all the wipes stuck in there. ENOUGH IS ENOUGH! Stop flushing "flushable" wipes and flushing your money down the drain. #What2Flush #ThreePs*	5.26%	259	10	228
Jul 29, 17:50	Protecting our beaches is preserving nature's beauty. Join the movement for a cleaner, greener future! #ProtectOurCoastline #CleanBeaches	5.81%	175	8	155
Jul 27, 16:01	Flush responsibly for a cleaner future: a message from OC San	9.76%	348	30	328
Jul 26, 16:20	Bridge under construction	0%	112	0	111
Jul 26, 16:09	(No description)	0%	114	0	113
Jul 26, 15:58	(No description)	0%	116	0	115
Jul 26, 15:53	(No description)	0%	118	0	117
Jul 26, 15:52	Nobody was harmed while walking up the stairs.	0%	120	0	119
Jul 26, 15:49	Plumbing work in progress	0%	121	0	120
Jul 26, 15:48	(No description)	0%	122	0	121
Jul 26, 15:47	Headquarters Building Tour	0%	123	0	122
Jul 26, 15:31	It's all about the angles	0%	130	0	129
Jul 26, 15:30	(No description)	0%	132	0	129
Jul 26, 15:30	(No description)	0%	146	0	143
Jul 25, 21:29	Don't be a goofy Hoover flushing just anything down the toilet. #What2Flush #3Ps Only pee, poop and toilet paper should be flushed.	0%	148	0	145
Jul 25, 17:57	Star talent 🌟 Some of our employees volunteer to be tour guides at our facility. Thank you for your dedication to OC San!!	0%	165	0	161
Jul 23, 15:30	The Guides are back in town. Jk, we never left, BUT the OC San IN PERSON TOURS ARE BACK! Visit ocsan.gov/tours to sign up for our next one. #OCSanTours #WastewaterTour	10.71%	287	21	252
Jul 21, 17:30	It's getting hot in here - in the Digesters! Our digesters are heated to about 98 degrees because the good anaerobic bacteria need heat. #TheMoreYouKnow #Bio solids	8.74%	302	23	286
Jul 21, 16:02	Ellis Avenue Detour Alert in Fountain Valley! Please take note that a detour on Ellis Avenue will be in place starting as early as Friday, July 21 at 9 p.m. through Sunday, July 23 at 5 p.m. Ellis Avenue will be closed between Bandfiller Cret...	2.54%	423	8	393
Jul 19, 21:21	Congrats Roy! He would be our pick for the PICK award too! #OCSanTeam	0%	161	0	157
Jul 19, 18:02	Strap me in, coach! Safety is always the priority when working with OC San. Check out some of the work being done at our facility.	12.33%	300	27	227
Jul 18, 23:38	(No description)	0%	117	0	117
Jul 18, 23:28	(No description)	0%	113	0	113
Jul 18, 23:28	(No description)	0%	115	0	115
Jul 18, 23:27	(No description)	0%	121	0	119
Jul 18, 23:17	(No description)	0%	127	0	127
Jul 18, 22:59	(No description)	0%	158	0	157
Jul 17, 20:00	The Latest and Greatest is out. The summer issue of the OC San Connection Newsletter is available at ocsan.gov/newsletter	0%	96	1	90
Jul 17, 18:39	(No description)	0%	209	0	204
Jul 17, 17:05	The Latest and Greatest is out. The summer issue of the OC San Connection Newsletter is available at ocsan.gov/newsletter	3.11%	181	4	161
Jul 14, 16:01	Wastewater, but making it look good! OC San was awarded two In-House Graphic Design Awards from Graphic Design USA this year for our street banners and CIP Report.	6.88%	177	10	160
Jul 12, 22:10	Our facility is full of surprise guests 🐦	0%	155	0	154
Jul 12, 17:19	(No description)	0%	174	0	170
Jul 12, 16:44	Check out the latest OC San career opportunities. If you don't see something you qualify for, submit a job interest form to be notified when something else becomes available. #CareersInWastewater #OCSanCareer	4.55%	271	11	242
Jul 11, 15:00	Congrats! Star Quality Staff at OC San 🌟	0%	169	0	169
Jul 10, 23:09	The @GFOA recognized us once again for our Annual Comprehensive Financial Report. Join in celebrating by giving us a like!	5.81%	206	10	172
Jul 06, 16:03	🚩🚩 Everyone needs to know this! Maybe take your own tour of our plant? 🏭	0%	180	0	178
Jul 04, 17:37	(No description)	0%	176	0	175
Jul 03, 20:02	Check out our spiffy new look! 🚌 Our OC San Tour Bus is ready to hit the roads! 📸 Get a sneak peek of this amazing transformation in this time lapse video - a fresh start for fun, in-person tours! 📍 visit ocsan.gov/tours for more info....	6.92%	476	24	419

Post performance - LinkedIn Pages

Data from 01 Jul, 2023 to 31 Jul, 2023

Sources

Orange County Sanitation District

DATE ▼	POST	ENGAGEMENT RATE	IMPRESSIONS	REACTIONS	SHARES	
Orange County Sanitation District Jul 26, 19:21	Orange County Sanitation District Jul 26, 19:21	OC San has switched to a new subscription system! Stay up to date on all the happenings at OC San. We are now using GovDelivery to send emails from an ocsanwebmaster account. To sign up visit, ocsan.gov and submit your email in...	2.31%	389	3	0
Orange County Sanitation District Jul 23, 15:30	Orange County Sanitation District Jul 23, 15:30	IN-PERSON TOURS ARE BACK! The Guides are back in town. Jk, we never left, BUT the OC San IN PERSON TOURS ARE BACK! Visit ocsan.gov/tours to sign up for our next one. #OCSanTours #WastewaterTour	5.71%	1,524	38	0
Orange County Sanitation District Jul 17, 20:00	Orange County Sanitation District Jul 17, 20:00	Check out the NEW Issue! The Latest and Greatest is out. The summer issue of the OC San Connection Newsletter is available at ocsan.gov/newsletter	4.23%	568	4	2
Orange County Sanitation District Jul 17, 17:06	Orange County Sanitation District Jul 17, 17:06	Check out the NEW Issue! The Latest and Greatest is out. The summer issue of the OC San Connection Newsletter is available at ocsan.gov/newsletter	2.55%	392	4	0
Orange County Sanitation District Jul 14, 16:01	Orange County Sanitation District Jul 14, 16:01	Wastewater, but making it look good! OC San was awarded two In-House Graphic Design Awards from Graphic Design USA this year for our street banners and CIP Report.	6.02%	997	28	1
Orange County Sanitation District Jul 12, 17:40	Orange County Sanitation District Jul 12, 17:40	(No description)	4.5%	889	19	0
Orange County Sanitation District Jul 12, 16:44	Orange County Sanitation District Jul 12, 16:44	OC SAN CAREERS IN WASTEWATER Check out the latest OC San career opportunities. If you don't see something you qualify for, submit a job interest form to be notified when something else becomes available. #CareersInWastewater #OCSanCareer	3.95%	506	10	1
Orange County Sanitation District Jul 10, 23:08	Orange County Sanitation District Jul 10, 23:08	The Government Finance Officers Association \((GFOA)\) recognized us once again for our Annual Comprehensive Financial Report. Join in celebrating by giving us a like!	2.3%	391	8	0

Media Articles

Article	Date	Source	Link
'Frankenstein Chemicals' Are Even Worse Than 'Forever Chemicals'	7/5/2023	Bloomberg.com	https://www.bloomberg.com/opinion/articles/2023-07-05/pfas-are-bad-but-other-water-polluting-chemicals-are-even-worse
Forever no more: New tech 'annihilates' toxic PFAS chemicals	7/14/2023	Mlive.com	https://www.mlive.com/public-interest/2023/07/forever-no-more-new-tech-annihilates-toxic-pfas-chemicals.html
How Orange County Sanitation District embraced technology to modernize processes and save staff time	7/17/2021	Granicus	https://granicus.com/success-stories/how-orange-county-sanitation-district-embraced-technology-to-modernize-processes-and-save-staff-time/
SoCal Water Recycling Program Gets \$80M From State	7/19/2023	My News LA	https://mynews1a.com/government/2023/07/19/socal-water-recycling-program-gets-80m-from-state/
Sewage Spill Shuts Down South OC Beach Monday	7/31/2023	OC Patch	https://patch.com/california/newportbeach/sewage-spill-shuts-down-south-oc-beach-monday



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3148

Agenda Date: 8/23/2023

Agenda Item No: 4.

FROM: Robert Thompson, General Manager
Originator: Wally Ritchie, Director of Finance

SUBJECT:

AMENDMENTS TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENTS AND ON-CALL MAINTENANCE AND REPAIR MASTER SERVICES CONTRACTS

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Approve Amendments to the following Annual Professional Design Services Agreements:
1. Amendment No. 3 - Arcadis U.S., Inc. FE21-00-02
 2. Amendment No. 3 - Black & Veatch Corporation FE21-00-03
 3. Amendment No. 3 - Brown and Caldwell FE21-00-04
 4. Amendment No. 3 - CDM Smith, Inc. FE21-00-05
 5. Amendment No. 3 - CIVILTEC Engineering, Inc. FE21-00-06
 6. Amendment No. 3 - Dudek FE21-00-07
 7. Amendment No. 3 - GHD, Inc. FE21-00-08
 8. Amendment No. 3 - HDR Engineering, Inc. FE21-00-09
 9. Amendment No. 4 - Ardurra Group, Inc. FE21-00-10 (*Successor firm*)
 10. Amendment No. 3 - Kennedy/Jenks Consultants, Inc. FE21-00-11
 11. Amendment No. 3 - Kleinfelder, Inc. FE21-00-12
 12. Amendment No. 3 - Michael Baker International, Inc. FE21-00-13
 13. Amendment No. 3 - ProjectLine Technical Services, Inc. FE21-00-14
 14. Amendment No. 3 - SPEC Services, Inc. FE21-00-15
 15. Amendment No. 3 - SVA Architects, Inc. FE21-00-16
 16. Amendment No. 3 - Tetra Tech, Inc. FE21-00-17
 17. Amendment No. 3 - Woodard & Curran, Inc. FE21-00-18; and
- B. Approve Amendments to the following On-Call Maintenance and Repair Master Services Contracts:
1. Amendment No. 2 - Charles King Company S-2021-1234BD
 2. Amendment No. 2 - Jamison Engineering Contractors, Inc. S-2021-1234BD
 3. Amendment No. 2 - J.R. Filanc Construction Co., Inc. S-2021-1234BD
 4. Amendment No. 2 - Shimmick Construction, Inc. S-2021-1234BD
 5. Amendment No. 2 - W.A. Rasic Construction Company, Inc. S-2021-1234BD

6. Amendment No. 2 - Kiewit Infrastructure West Co. S-2021-1234BD

7. Amendment No. 2 - O'Connell Engineering & Construction, Inc. S-2021-1234BD

BACKGROUND

Orange County Sanitation District (OC San) has Master Contract programs to provide a Task-Order based procurement process that allows to “fast track” services for OC San repairs and design. Vendors that have been awarded Master Contracts are offered the opportunity to propose on individual Task Orders. Task Order Bids are awarded based on pre-determined criteria and vary in cost not to exceed \$300,000. Task Orders with estimates exceeding \$300,000 (including change orders) will be submitted through the formal bid procurement process including Operations/Board Committee approval pursuant to OC San’s Purchasing Ordinance.

In July 2023, the OC San Board of Directors adopted a revised Purchasing Ordinance which, among other changes, increased the task order limits from \$300,000 to \$500,000; the annual not to exceed for Design master contracts from \$600,000 to \$1,000,000; and one proposal limit for Design master contracts increase from \$25,000 to \$100,000.

RELEVANT STANDARDS

- Ensure the public’s money is wisely spent
- Maintain a culture of improving efficiency to reduce the cost to provide the current service level or standard

PROBLEM

OC San’s Purchasing Ordinance allows for the use of Master Contracts to improve its efficiency to procure services required by OC San. The task order and not to exceed limits in the current master contracts do not align with the recent update to the Purchasing Ordinance.

PROPOSED SOLUTION

Amend the current master contracts to increase the limits in accordance with the recently revised Purchasing Ordinance.

TIMING CONCERNS

Prompt amendment of the master contracts to increase task order limits will allow the procurement of services to be expedited on small projects.

RAMIFICATIONS OF NOT TAKING ACTION

The prior task order limits would remain in place and the formal procurement process will be needed for any task orders over \$300,000.

PRIOR COMMITTEE/BOARD ACTIONS

July 2023 - Adopted Ordinance No. OC SAN-61 entitled: "An Ordinance of the Board of Directors of the Orange County Sanitation District Establishing Requirements and Procedures for the Purchase of Goods, Services, and Public Works Projects; and Repealing Ordinance No. OCSD-56".

September 2021 - Approved Master Services Contracts to provide on-call maintenance and repair services, Specification No. S-2021-1234BD, for a one-year period effective December 1, 2021 through November 30, 2022, with two, one-year renewal options, in accordance with Ordinance No. OC SAN-56, Section 2.03(F), with the seven qualified firms, for bids less than \$300,000:

1. Jamison Engineering Contractor, Inc.
2. Charles King Company
3. J.R. Filanc Construction Company, Inc.
4. Shimmick Construction Company, Inc.
5. W.A. Rasic Construction Company, Inc.
6. Kiewit Infrastructure West Co.
7. O'Connell Engineering & Construction, Inc.; and

Authorized the General Manager to add or delete firms as necessary to maintain a qualified base of up to seven firms in accordance with the Request for Qualifications Specification No. S-2021-1234BD.

May 2021 - Approved Annual PDSAs with the following firms for professional engineering design and construction support services commencing July 1, 2021 with a maximum annual fiscal year contract limitation not to exceed \$600,000 for each Annual PDSA; and approved two additional one-year optional extensions for each PDSA.

FIRM CONTRACT NO.

1. AECOM Technical Services, Inc. (AECOM) FE21-00-01
2. Arcadis U.S., Inc. (Arcadis) FE21-00-02
3. Black & Veatch Corporation (Black & Veatch) FE21-00-03
4. Brown & Caldwell FE21-00-04
5. CDM Smith, Inc. (CDM Smith) FE21-00-05
6. CIVILTEC Engineering, Inc. (CIVILTEC) FE21-00-06
7. Dudek FE21-00-07
8. GHD, Inc. (GHD) FE21-00-08
9. HDR Engineering, Inc. (HDR) FE21-00-09
10. Infrastructure Engineering Corporation (IEC) FE21-00-10
11. Kennedy Jenks Consultants, Inc. (Kennedy Jenks) FE21-00-11
12. Kleinfelder, Inc. (Kleinfelder) FE21-00-12
13. Michael Baker International, Inc. (Michael Baker) FE21-00-13
14. ProjectLine Technical Services, Inc. (ProjectLine) FE21-00-14
15. SPEC Services, Inc. (SPEC Services) FE21-00-15
16. SVA Architects, Inc. (SVA Architects) FE21-00-16
17. Tetra Tech FE21-00-17
18. Woodard & Curran, Inc. (Woodard & Curran) FE21-00-18

ADDITIONAL INFORMATION

All current master contracts were awarded as the result of formal solicitations and approved by the OC San Board of Directors. The PDSA for AECOM was eliminated from this pack, as the firm was awarded a subsequent agreement.

CEQA

N/A

FINANCIAL CONSIDERATIONS

This request complies with authority levels of OC San's Purchasing Ordinance.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Amendments to Annual Professional Design Services Agreements
- Amendments to Master Services Contracts

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **ARCADIS U.S., INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-02**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

ARCADIS U.S., INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **BLACK & VEATCH CORPORATION**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-03**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

BLACK & VEATCH CORPORATION

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **BROWN AND CALDWELL**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-04**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

BROWN AND CALDWELL

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **CDM SMITH, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-05**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

CDM SMITH, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **CIVILTEC ENGINEERING, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-06**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

CIVILTEC ENGINEERING, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **DUDEK**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-07**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

DUDEK

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3
TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **GHD, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-08**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

GHD, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **HDR ENGINEERING, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-09**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

HDR ENGINEERING, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 4

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 4 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 4), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **ARDURRA GROUP, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-10**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, Amendment No. 2 dated October 25, 2022, and Amendment No. 3 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 4, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 4 is supplemental to the Agreement and Amendment Nos. 1, 2 and 3, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 4 and any of the provisions of the Agreement and Amendment Nos. 1, 2 and 3, the provisions of this Amendment No. 4 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 4 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

ARDURRA GROUP, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **KENNEDY/JENKS CONSULTANTS, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-11**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

KENNEDY/JENKS CONSULTANTS, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **KLEINFELDER, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-12**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

KLEINFELDER, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **MICHAEL BAKER INTERNATIONAL, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-13**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

MICHAEL BAKER INTERNATIONAL, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **PROJECTLINE TECHNICAL SERVICES, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-14**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence of the Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

PROJECTLINE TECHNICAL SERVICES, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **SPEC SERVICES, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-15**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

SPEC SERVICES, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **SVA ARCHITECTS, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-16**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

SVA ARCHITECTS, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **TETRA TECH, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-17**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

TETRA TECH, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

AMENDMENT NO. 3

TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT

This AMENDMENT NO. 3 TO ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENT (Amendment No. 3), is made and entered into to be effective on August 25, 2023, by and between **ORANGE COUNTY SANITATION DISTRICT**, hereinafter referred to as "OC SAN," and **WOODARD & CURRAN, INC.**, hereinafter referred to as "CONSULTANT."

WITNESSETH:

WHEREAS, OC SAN and CONSULTANT previously executed an Annual Professional Design Services Agreement for **CONTRACT NO. FE21-00-18**, dated July 1, 2021, (Agreement), Amendment No. 1 dated July 1, 2022, and Amendment No. 2 dated July 1, 2023, for professional design services for selected projects on a task order basis; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase in total compensation threshold per year from \$600,000 to \$1,000,000 and an increase in total compensation threshold per individual Task Order for Master Contracts from \$300,000 to \$500,000; and

WHEREAS, on July 26, 2023, OC SAN's Board of Directors approved an increase of the individual Task Order threshold from \$25,000 to \$100,000 to allow Director of Engineering with concurrence from Purchasing Manager to solicit a Task Order proposal from a single Consultant on the prequalified list; and

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with any specific project for which CONSULTANT is given a task order by OC SAN based on its demonstrated competence and has agreed to provide the necessary services; and

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 3, it is mutually agreed as follows:

1. The third Recital to the Agreement referencing Task Orders estimated to cost \$25,000 or less is hereby amended to state “WHEREAS, for Task Orders estimated to cost \$100,000 or less, the Director of Engineering, with concurrence of the Purchasing Manager, may solicit a proposal from one (1) firm on the prequalified list, which will include the project types for which the consultants are prequalified;”.
2. The section in the Agreement entitled “COMPENSATION” is hereby amended to increase the total compensation threshold per year from \$600,000 to an amount not to exceed \$1,000,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement. The total compensation threshold per individual Task Order is hereby increased from \$300,000 to an amount not to exceed \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Agreement.

3. This Amendment No. 3 is supplemental to the Agreement and Amendment Nos. 1 and 2, is by this reference made a part of the Agreement, and all of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.
4. In the event of any conflict or inconsistency between the provisions of this Amendment No. 3 and any of the provisions of the Agreement and Amendment Nos. 1 and 2, the provisions of this Amendment No. 3 shall in all respects govern and control.

[INTENTIONALLY LEFT BLANK. SIGNATURES FOLLOW ON THE NEXT PAGE.]

IN WITNESS WHEREOF, this Amendment No. 3 has been executed in the name of OC SAN and CONSULTANT by their respective authorized officers and is executed as of the day and year first written above.

WOODARD & CURRAN, INC.

By _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____

Ryan Gallagher
Board Vice-Chairman

By _____

Kelly A. Lore
Clerk of the Board

By _____

Ruth Zintzun
Finance & Procurement Manager

**AMENDMENT NO. 2
MASTER SERVICES CONTRACT
Maintenance & Repair Services
Specification No. S-2021-1234BD**

THIS AMENDMENT NO. 2 TO THE CONTRACT ("Amendment No. 2") is made and entered into, to be effective August 25, 2023 by and between Orange County Sanitation District hereinafter referred to as "OC San" and Charles King Company (hereinafter referred to as "Contractor") collectively referred to as the ("Parties").

WHEREAS, on September 29, 2021, OC San's Board of Directors authorized the award of a Contract which OC San and Contractor executed, delivered and entered into with an effective date beginning December 1, 2021 ("the Contract"); and

WHEREAS, on July 26, 2023, OC San's Board of Directors approved an increase in total compensation limit per each Task Order for Master Contracts; and

WHEREAS, the Parties wish to amend the Agreement to make certain modifications; and

WHEREAS, the Parties desire that the Agreement as modified by Amendment No. 1 and this Amendment No. 2 shall constitute the sole and entire agreement among the Parties.

NOW, THEREFORE, in consideration of these premises and the mutual covenants contained herein, the Parties mutually agreed as follows:

1. Article 41, Task Orders, Section 41.1 is hereby amended to increase the total compensation limit per each Task Order from \$300,000 to an amount no greater than \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Contract.

Except as expressly amended above, the Contract will remain unchanged and in full force and effect.

IN WITNESS WHEREOF, intending to be legally bound, the Parties hereto have caused this Amendment No. 2 to be signed by the duly authorized representatives as of the day and year last signed below.

Orange County Sanitation District

Charles King Company

Ruth Zintzun
Finance & Procurement Manager

Date

By: _____

Date

Ryan Gallagher
Board Vice-Chairman

Date

Name: _____

Kelly Lore
Clerk of the Board

Date

Title: _____

LL

**AMENDMENT NO. 2
MASTER SERVICES CONTRACT
Maintenance & Repair Services
Specification No. S-2021-1234BD**

THIS AMENDMENT NO. 2 TO THE CONTRACT ("Amendment No. 2") is made and entered into, to be effective August 25, 2023 by and between Orange County Sanitation District hereinafter referred to as "OC San" and Jamison Engineering Contractors, Inc. (hereinafter referred to as "Contractor") collectively referred to as the ("Parties").

WHEREAS, on September 29, 2021, OC San's Board of Directors authorized the award of a Contract which OC San and Contractor executed, delivered and entered into with an effective date beginning December 1, 2021 ("the Contract"); and

WHEREAS, on July 26, 2023, OC San's Board of Directors approved an increase in total compensation limit per each Task Order for Master Contracts; and

WHEREAS, the Parties wish to amend the Agreement to make certain modifications; and

WHEREAS, the Parties desire that the Agreement as modified by Amendment No. 1 and this Amendment No. 2 shall constitute the sole and entire agreement among the Parties.

NOW, THEREFORE, in consideration of these premises and the mutual covenants contained herein, the Parties mutually agreed as follows:

1. Article 41, Task Orders, Section 41.1 is hereby amended to increase the total compensation limit per each Task Order from \$300,000 to an amount no greater than \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Contract.

Except as expressly amended above, the Contract will remain unchanged and in full force and effect.

IN WITNESS WHEREOF, intending to be legally bound, the Parties hereto have caused this Amendment No. 2 to be signed by the duly authorized representatives as of the day and year last signed below.

Orange County Sanitation District

Jamison Engineering Contractors, Inc.

Ruth Zintzun
Finance & Procurement Manager

Date

By: _____ Date

Ryan Gallagher
Board Vice-Chairman

Date

Name: _____

Kelly Lore
Clerk of the Board

Date

Title: _____

LL

**AMENDMENT NO. 2
MASTER SERVICES CONTRACT
Maintenance & Repair Services
Specification No. S-2021-1234BD**

THIS AMENDMENT NO. 2 TO THE CONTRACT ("Amendment No. 2") is made and entered into, to be effective August 25, 2023 by and between Orange County Sanitation District hereinafter referred to as "OC San" and J.R. Filanc Construction Co., Inc. (hereinafter referred to as "Contractor") collectively referred to as the ("Parties").

WHEREAS, on September 29, 2021, OC San's Board of Directors authorized the award of a Contract which OC San and Contractor executed, delivered and entered into with an effective date beginning December 1, 2021 ("the Contract"); and

WHEREAS, on July 26, 2023, OC San's Board of Directors approved an increase in total compensation limit per each Task Order for Master Contracts; and

WHEREAS, the Parties wish to amend the Agreement to make certain modifications; and

WHEREAS, the Parties desire that the Agreement as modified by Amendment No. 1 and this Amendment No. 2 shall constitute the sole and entire agreement among the Parties.

NOW, THEREFORE, in consideration of these premises and the mutual covenants contained herein, the Parties mutually agreed as follows:

1. Article 41, Task Orders, Section 41.1 is hereby amended to increase the total compensation limit per each Task Order from \$300,000 to an amount no greater than \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Contract.

Except as expressly amended above, the Contract will remain unchanged and in full force and effect.

IN WITNESS WHEREOF, intending to be legally bound, the Parties hereto have caused this Amendment No. 2 to be signed by the duly authorized representatives as of the day and year last signed below.

Orange County Sanitation District

J.R. Filanc Construction Co., Inc.

Ruth Zintzun
Finance & Procurement Manager

Date

By: _____

Date

Ryan Gallagher
Board Vice-Chairman

Date

Name: _____

Kelly Lore
Clerk of the Board

Date

Title: _____

LL

**AMENDMENT NO. 2
MASTER SERVICES CONTRACT
Maintenance & Repair Services
Specification No. S-2021-1234BD**

THIS AMENDMENT NO. 2 TO THE CONTRACT ("Amendment No. 2") is made and entered into, to be effective August 25, 2023 by and between Orange County Sanitation District hereinafter referred to as "OC San" and Shimmick Construction, Inc. (hereinafter referred to as "Contractor") collectively referred to as the ("Parties").

WHEREAS, on September 29, 2021, OC San's Board of Directors authorized the award of a Contract which OC San and Contractor executed, delivered and entered into with an effective date beginning December 1, 2021 ("the Contract"); and

WHEREAS, on July 26, 2023, OC San's Board of Directors approved an increase in total compensation limit per each Task Order for Master Contracts; and

WHEREAS, the Parties wish to amend the Agreement to make certain modifications; and

WHEREAS, the Parties desire that the Agreement as modified by Amendment No. 1 and this Amendment No. 2 shall constitute the sole and entire agreement among the Parties.

NOW, THEREFORE, in consideration of these premises and the mutual covenants contained herein, the Parties mutually agreed as follows:

1. Article 41, Task Orders, Section 41.1 is hereby amended to increase the total compensation limit per each Task Order from \$300,000 to an amount no greater than \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Contract.

Except as expressly amended above, the Contract will remain unchanged and in full force and effect.

IN WITNESS WHEREOF, intending to be legally bound, the Parties hereto have caused this Amendment No. 2 to be signed by the duly authorized representatives as of the day and year last signed below.

Orange County Sanitation District

Shimmick Construction, Inc.

Ruth Zintzun
Finance & Procurement Manager

Date

By: _____

Date

Ryan Gallagher
Board Vice-Chairman

Date

Name: _____

Kelly Lore
Clerk of the Board

Date

Title: _____

LL

**AMENDMENT NO. 2
MASTER SERVICES CONTRACT
Maintenance & Repair Services
Specification No. S-2021-1234BD**

THIS AMENDMENT NO. 2 TO THE CONTRACT ("Amendment No. 2") is made and entered into, to be effective August 25, 2023 by and between Orange County Sanitation District hereinafter referred to as "OC San" and W.A. Rasic Construction Company, Inc. (hereinafter referred to as "Contractor") collectively referred to as the ("Parties").

WHEREAS, on September 29, 2021, OC San's Board of Directors authorized the award of a Contract which OC San and Contractor executed, delivered and entered into with an effective date beginning December 1, 2021 ("the Contract"); and

WHEREAS, on July 26, 2023, OC San's Board of Directors approved an increase in total compensation limit per each Task Order for Master Contracts; and

WHEREAS, the Parties wish to amend the Agreement to make certain modifications; and

WHEREAS, the Parties desire that the Agreement as modified by Amendment No. 1 and this Amendment No. 2 shall constitute the sole and entire agreement among the Parties.

NOW, THEREFORE, in consideration of these premises and the mutual covenants contained herein, the Parties mutually agreed as follows:

1. Article 41, Task Orders, Section 41.1 is hereby amended to increase the total compensation limit per each Task Order from \$300,000 to an amount no greater than \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Contract.

Except as expressly amended above, the Contract will remain unchanged and in full force and effect.

IN WITNESS WHEREOF, intending to be legally bound, the Parties hereto have caused this Amendment No. 2 to be signed by the duly authorized representatives as of the day and year last signed below.

Orange County Sanitation District

W.A. Rasic Construction Company, Inc.

Ruth Zintzun
Finance & Procurement Manager

Date

By: _____

Date

Ryan Gallagher
Board Vice-Chairman

Date

Name: _____

Kelly Lore
Clerk of the Board

Date

Title: _____

LL

**AMENDMENT NO. 2
MASTER SERVICES CONTRACT
Maintenance & Repair Services
Specification No. S-2021-1234BD**

THIS AMENDMENT NO. 2 TO THE CONTRACT ("Amendment No. 2") is made and entered into, to be effective August 25, 2023 by and between Orange County Sanitation District hereinafter referred to as "OC San" and Kiewit Infrastructure West Co. (hereinafter referred to as "Contractor") collectively referred to as the ("Parties").

WHEREAS, on September 29, 2021, OC San's Board of Directors authorized the award of a Contract which OC San and Contractor executed, delivered and entered into with an effective date beginning December 1, 2021 ("the Contract"); and

WHEREAS, on July 26, 2023, OC San's Board of Directors approved an increase in total compensation limit per each Task Order for Master Contracts; and

WHEREAS, the Parties wish to amend the Agreement to make certain modifications; and

WHEREAS, the Parties desire that the Agreement as modified by Amendment No. 1 and this Amendment No. 2 shall constitute the sole and entire agreement among the Parties.

NOW, THEREFORE, in consideration of these premises and the mutual covenants contained herein, the Parties mutually agreed as follows:

1. Article 41, Task Orders, Section 41.1 is hereby amended to increase the total compensation limit per each Task Order from \$300,000 to an amount no greater than \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Contract.

Except as expressly amended above, the Contract will remain unchanged and in full force and effect.

IN WITNESS WHEREOF, intending to be legally bound, the Parties hereto have caused this Amendment No. 2 to be signed by the duly authorized representatives as of the day and year last signed below.

Orange County Sanitation District

Kiewit Infrastructure West Co.

Ruth Zintzun
Finance & Procurement Manager

Date

By:

Date

Ryan Gallagher
Board Vice-Chairman

Date

Name:

Kelly Lore
Clerk of the Board

Date

Title:

LL

**AMENDMENT NO. 2
MASTER SERVICES CONTRACT
Maintenance & Repair Services
Specification No. S-2021-1234BD**

THIS AMENDMENT NO. 2 TO THE CONTRACT ("Amendment No. 2") is made and entered into, to be effective August 25, 2023 by and between Orange County Sanitation District hereinafter referred to as "OC San" and O'Connell Engineering & Construction, Inc. (hereinafter referred to as "Contractor") collectively referred to as the ("Parties").

WHEREAS, on September 29, 2021, OC San's Board of Directors authorized the award of a Contract which OC San and Contractor executed, delivered and entered into with an effective date beginning December 1, 2021 ("the Contract"); and

WHEREAS, on July 26, 2023, OC San's Board of Directors approved an increase in total compensation limit per each Task Order for Master Contracts; and

WHEREAS, the Parties wish to amend the Agreement to make certain modifications; and

WHEREAS, the Parties desire that the Agreement as modified by Amendment No. 1 and this Amendment No. 2 shall constitute the sole and entire agreement among the Parties.

NOW, THEREFORE, in consideration of these premises and the mutual covenants contained herein, the Parties mutually agreed as follows:

1. Article 41, Task Orders, Section 41.1 is hereby amended to increase the total compensation limit per each Task Order from \$300,000 to an amount no greater than \$500,000, pursuant to the current Ordinance, and all in accordance with the same terms and conditions of the Contract.

Except as expressly amended above, the Contract will remain unchanged and in full force and effect.

IN WITNESS WHEREOF, intending to be legally bound, the Parties hereto have caused this Amendment No. 2 to be signed by the duly authorized representatives as of the day and year last signed below.

Orange County Sanitation District

O'Connell Engineering & Construction, Inc.

Ruth Zintzun
Finance & Procurement Manager

Date

By: _____ Date

Ryan Gallagher
Board Vice-Chairman

Date

Name: _____

Kelly Lore
Clerk of the Board

Date

Title: _____

LL



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3107

Agenda Date: 8/23/2023

Agenda Item No: 5.

FROM: Robert Thompson, General Manager
Originator: Mike Dorman, Director of Engineering

SUBJECT:

WASTEHAULER STATION SAFETY AND SECURITY IMPROVEMENTS, PROJECT NO. FE20-01

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Approve a contingency increase of \$101,387 (6%) to the construction contract with LEED Electric, Inc. for Wastehauler Station Safety and Security Improvements, Project No. FE20-01, for a total construction contingency of \$270,367 (16%).

BACKGROUND

The Orange County Sanitation District (OC San) operates a wastehauler receiving station near the entrance of Plant No. 1 which accepts liquid waste from commercial wastehauler trucks. Staff visually observes and collects samples from the commercial wastehaulers prior to allowing delivery. Staff currently utilizes a small temporary office near the receiving station to monitor the wastehaulers. The liquid waste from the wastehauler receiving station at Plant No. 1 gravity flows to Plant No. 2 and is considered non-reclaimable, and therefore cannot be recycled by the GWRS. There is a backup wastehauler receiving area at Plant No. 2 if the facility at Plant No. 1 is out of service.

A construction contract was awarded to LEED Electric, Inc. in September 2022 to provide an automated sampling system and office for Environmental Services staff to monitor wastehaulers. The construction is approximately 95% complete.

RELEVANT STANDARDS

- Ensure the public's money is wisely spent
- Commitment to safety and reducing risk in all operations
- Comply with environmental permit requirements

PROBLEM

This project planned on using the Plant No. 2 wastehauler receiving station to provide the contractor unobstructed access to complete the improvements at Plant No. 1. This Project was awarded in September 2022. In December 2022, OC San began recycling Plant No. 2 effluent for the GWRS. Since the existing Plant No. 2 wastehauler receiving station was on the reclaimable side of the

treatment plant, it could no longer be used to accept liquid waste from the wastehaulers. OC San required the contractor to sequence the construction activities to maintain operation at the Plant No. 1 wastehauler receiving station. This requirement was not anticipated at the time of award and differed from the Contract requirements. The revised sequencing requirement was lifted in July 2023 when the new Plant No. 2 receiving station, connected to the non-reclaimable side, was placed in service.

During the automated sampling system submittal review, OC San staff noted that the pH probe was going to be installed in a configuration that would allow some liquid waste to enter the treatment plant before the sampling system could determine if it complies with discharge requirements. If the pH probe was left in the configuration as shown in the submittal, there could be the potential to have off-spec waste (pH outside limits of 6-12) enter the treatment plant, potentially creating upsets and requiring higher chemical costs. Because there is zero tolerance for off-spec liquid waste, OC San would have to issue a violation to the wastehauler every time this happens. Unanticipated changes were made to the automated sampling system valves and piping layout to ensure that off-spec liquid waste does not enter the treatment plant.

The cost of addressing the unanticipated change to the construction sequencing and the unanticipated changes to the automated sampling system has resulted in higher than expected contract changes. The current authorized contingency is insufficient to complete the remaining work on the contract, which is scheduled to be finished by the end of September 2023.

PROPOSED SOLUTION

Approve a contingency increase of \$101,387 to the construction contract for a total contingency of \$270,367 (16%).

TIMING CONCERNS

Additional contingency funds are required to authorize required changes over the construction contingency without causing project delays.

RAMIFICATIONS OF NOT TAKING ACTION

A delay in authorizing required work to complete the project could result in additional compensable contractor overhead costs. The final completion of the project will also be delayed.

PRIOR COMMITTEE/BOARD ACTIONS

September 2022 - Awarded a Construction Contract to LEED Electric, Inc. for Wastehauler Station Safety and Security Improvements, Project No. FE20-01, for a total amount not to exceed \$1,689,788; and approved a contingency of \$168,980 (10%).

ADDITIONAL INFORMATION

N/A

CEQA

The project is exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations section 15301. On October 4, 2022, a Notice of Exemption was filed with the OC Clerk-Recorder after OC San Board of Directors approval of the Construction Contract.

FINANCIAL CONSIDERATIONS

This request complies with the authority levels of OC San's Purchasing Ordinance. This item has been budgeted (Budget Update, Fiscal Year 2023-2024, Appendix A, Page 8, Small Construction Projects Program, Project No. M-FE) and the budget is sufficient for the recommended action.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

N/A

CM:tk



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3153

Agenda Date: 8/23/2023

Agenda Item No: 6.

FROM: Robert Thompson, General Manager
Originator: Wally Ritchie, Director of Finance

SUBJECT:

UPDATE TO POSITION TITLES IN THE IDENTITY THEFT PREVENTION PROGRAM

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Adopt Resolution No. OC SAN 23-18 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Adopting an Update to the Identity Theft Prevention Program in order to comply with the Fair and Accurate Credit Transaction Act of 2003; and Repealing Resolution No. OCSD 09-03".

BACKGROUND

This program was created in order to comply with regulations issued by the Federal Trade Commission (FTC) as part of the implementation of the Fair and Accurate Credit Transaction (FACT) Act of 2003. The FACT Act requires that financial institutions and creditors implement written programs which provide for detection of and response to specific activities ("red flags") that could be related to identity theft.

Recent position title and personnel changes at Orange County Sanitation District (OC San) brought about the need to update this resolution and program to make it current.

RELEVANT STANDARDS

- Comply with Federal Trade Commission regulations

PROBLEM

The current Resolution and program is out of date due to title and personnel changes.

PROPOSED SOLUTION

Update the Resolution and program to reflect current titles and personnel.

TIMING CONCERNS

N/A

RAMIFICATIONS OF NOT TAKING ACTION

OC San will be out of compliance with the FACT Act of 2003.

PRIOR COMMITTEE/BOARD ACTIONS

April 2009 - Adopted Resolution No. OCSD 09-03, Adopting an Identity Theft Prevention Program in order to comply with the Fair and Accurate Credit Transaction Act of 2003.

ADDITIONAL INFORMATION

N/A

CEQA

N/A

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Resolution No. OC SAN 23-18 (Redlined)
- Resolution No. OC SAN 23-18 (Final)

RESOLUTION NO. ~~OCSDOC SAN 09-0323-18~~

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY SANITATION DISTRICT ADOPTING AN UPDATE TO THE IDENTITY THEFT PREVENTION PROGRAM IN ORDER TO COMPLY WITH THE FAIR AND ACCURATE CREDIT TRANSACTION ACT OF 2003; AND REPEALING RESOLUTION NO. OCSD 09-03

WHEREAS, the Federal Trade Commission (FTC) implemented the Fair and Accurate Credit Transaction (FACT) Act of 2003;

WHEREAS, the FACT requires that creditors implement written programs which provide for detection of and response to specific activities (“red flags”) that could be related to identity theft;

WHEREAS, the Orange County Sanitation District (OC San) qualifies as a creditor for purposes of this program;

WHEREAS, the FACT requires that the program:

1. Identify relevant red flags and incorporate them into the program
2. Identify ways to detect red flags
3. Include appropriate responses to red flags
4. Address new and changing risks through periodic program updates
5. Include a process for administration and oversight of the program;
- ~~5.~~

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Orange County Sanitation District hereby adopts, and directs staff to implement, the Identity Theft Prevention Program attached hereto as Exhibit “A”.

BE IT FURTHER RESOLVED that the Director of Finance ~~and Administrative Services~~, or his or her designee, shall implement and administer the Identity Theft Prevention Program.

BE IT FURTHER RESOLVED, that the Director of Finance ~~and Administrative Services~~ shall annually review the Identity Theft Prevention Program to determine if revisions are needed, and is hereby authorized and directed to make any changes to the Identity Theft Prevention Program that are found to be necessary.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED at a regular Meeting of the Board of Directors held
August 23, 2023.

PASSED AND ADOPTED at a regular meeting held April 22, 2009.

//Doug Davert

Chad P. Wanke
Board Chairman

ATTEST:

//Penny Kyle

Kelly A. Lore, MMC
Clerk of the Board
Clerk of the Board

STATE OF CALIFORNIA)

) SS

COUNTY OF ORANGE)

I, Kelly A. Lore, Clerk of the Board of Directors of the Orange County Sanitation District, do hereby certify that the foregoing Resolution No. OC SAN 23-XX18 was passed and adopted at a regular meeting of said Board on the 23rd day of August, 2023, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Orange County Sanitation District this 23rd day of August, 2023.

Kelly A. Lore, MMC
Clerk of the Board
Orange County Sanitation District

IDENTITY THEFT PREVENTION PROGRAM
Exhibit “A” to Resolution No. OCSDOC
SAN 09-0323-18

PURPOSE

This program was created in order to comply with the regulations issued by the Federal Trade Commission (FTC) as part of the implementation of the Fair and Accurate Credit Transaction (FACT) Act of 2003. The FACT Act requires that financial institutions and creditors implement written programs which provide for detection of and response to specific activities (“red flags”) that could be related to identity theft.

The FTC regulations require that the program:

1. Identify relevant red flags and incorporate them into the program.
2. Identify ways to detect red flags.
3. Include appropriate responses to red flags.
4. Address new and changing risks through periodic program updates.
5. Include a process for administration and oversight of the program.

PROGRAM DETAILS

RELEVANT RED FLAGS

Red Flags are warning signs or activities that alert a creditor to potential identity theft. The guidelines published by the FTC include 26 examples of red flags which fall into the following five categories:

1. Alerts, notifications, or other warnings received from consumer reporting agencies or service problems.
2. Presentation of suspicious documents.
3. Presentation of suspicious personal identifying information.
4. Unusual use of, or other suspicious activity related to a covered account.
5. Notice from customers, victims of identity theft, or law enforcement authorities.

After reviewing the FTC guidelines and examples, the OCSDOC San Financial Management Division determined that the following red flags are applicable to customer accounts. These red flags, and the appropriate responses, are the focus of this program.

- Suspicious Documents and Activities
 - Documents provided for identification appear to have been altered or forged.
 - A customer refuses to provide proof of identity when discussing an established account.
 - A person other than the account holder requests information or asks to make changes to an established account.
 - Nonpayment when there is no history of late or missed payments.
 - An inactive account being used.
 - Mail sent to customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

- A customer notifies [OCSDOC San](#) of any of the following activities:
 - Account statements are not being received.
 - Fraudulent activity on the customer's bank account that is used to pay account charges.

- [OCSDOC San](#) is notified by a customer, a victim of identity theft, or a member of law enforcement that an account has been opened for a person engaged in identity theft.

DETECTING AND RESPONDING TO RED FLAGS

Red flags will be detected as [OCSDOC San](#) employees interact with customers. An employee will be alerted to these red flags during the following processes:

- **Reviewing customer identification in order to establish an account or process a payment:** Documents are presented that appear altered or inconsistent with the information provided by the customer.

Response: Do not establish the account or accept payment until the customer's identity has been confirmed.

- **Answering customer inquiries on the phone, via email, and at the counter:** Someone other than the account holder may ask for information about an account or may ask to make changes to the information on an account. A customer may also refuse to verify their identity when asking about an account.

Response: Inform the customer that the account holder must give permission for them to receive information about the account. Do not make changes to or provide any information about the account, with one exception: if the service on the account has been suspended for non-payment, payment may be accepted in the amount needed to reactivate the account.

- **Receiving notification that there is unauthorized activity associated with an account:** Customers may call to alert [OCSDOC San](#) about fraudulent activity related to their account and/or the ban account used to make payments on the account.

Response: Verify the customer's identity and notify the Accounting Supervisor immediately. Take appropriate actions to correct any errors on the account, which may include:

- Suspending or reactivating the account
- Updating personal information on the account
- Updating the mailing address on the account
- Updating account notes to document the fraudulent activity
- Notifying and working with law enforcement officials

- **Receiving notification that an account has been established for a person engaged in identity theft.**

Response: Notify the Accounting Supervisor immediately. The claim will be investigated, and appropriate action will be taken to resolve the issue as quickly as possible.

ADMINISTRATION AND OVERSIGHT OF THE PROGRAM

The Director of Finance ~~and Administrative Services~~ or his or her designee shall review this program annually and provide recommendations to the General Manager to update the program as needed based on the following events:

- Experience with identity theft.
- Changes to the types of accounts and/or programs offered.
- Implementation of new systems and/or vendor contracts.

Specific roles are as follows:

The Accounting Supervisor will oversee the daily activities related to identity theft detection and prevention, and ensure that all members of the Revenue Section staff are trained to detect and respond to red flags.

The Director of Finance ~~and Administrative Services~~ or his or her designee will provide ongoing oversight to ensure that the program is effective.

The General Manager will review and approve recommended changes to the program both annually and on as as-needed basis.

The [OCSDOC San](#) Board of Directors must approve the initial program.

RESOLUTION NO. OC SAN 23-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY SANITATION DISTRICT ADOPTING AN UPDATE TO THE IDENTITY THEFT PREVENTION PROGRAM IN ORDER TO COMPLY WITH THE FAIR AND ACCURATE CREDIT TRANSACTION ACT OF 2003; AND REPEALING RESOLUTION NO. OCSD 09-03

WHEREAS, the Federal Trade Commission (FTC) implemented the Fair and Accurate Credit Transaction (FACT) Act of 2003;

WHEREAS, the FACT requires that creditors implement written programs which provide for detection of and response to specific activities (“red flags”) that could be related to identity theft;

WHEREAS, the Orange County Sanitation District (OC San) qualifies as a creditor for purposes of this program; and

WHEREAS, the FACT requires that the program:

1. Identify relevant red flags and incorporate them into the program
2. Identify ways to detect red flags
3. Include appropriate responses to red flags
4. Address new and changing risks through periodic program updates
5. Include a process for administration and oversight of the program.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Orange County Sanitation District hereby adopts, and directs staff to implement, the Identity Theft Prevention Program attached hereto as Exhibit “A”.

BE IT FURTHER RESOLVED that the Director of Finance, or his or her designee, shall implement and administer the Identity Theft Prevention Program.

BE IT FURTHER RESOLVED that the Director of Finance shall annually review the Identity Theft Prevention Program to determine if revisions are needed and is hereby authorized and directed to make any changes to the Identity Theft Prevention Program that are found to be necessary.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED at a regular Meeting of the Board of Directors held
August 23, 2023.

Ryan Gallagher
Board Vice-Chairman

Kelly A. Lore, MMC
Clerk of the Board

IDENTITY THEFT PREVENTION PROGRAM
Exhibit “A” to
Resolution No. OC SAN 23-18

PURPOSE

This program was created in order to comply with the regulations issued by the Federal Trade Commission (FTC) as part of the implementation of the Fair and Accurate Credit Transaction (FACT) Act of 2003. The FACT Act requires that financial institutions and creditors implement written programs which provide for detection of and response to specific activities (“red flags”) that could be related to identity theft.

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4. Unusual use of, or other suspicious activity related to a covered account.
5. Notice from customers, victims of identity theft, or law enforcement authorities.

After reviewing the FTC guidelines and examples, the OC San Financial Management Division determined that the following red flags are applicable to customer accounts. These red flags, and the appropriate responses, are the focus of this program.

- Suspicious Documents and Activities
 - Documents provided for identification appear to have been altered or forged.
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 - A person other than the account holder requests information or asks to make changes to an established account.
 - Nonpayment when there is no history of late or missed payments.
 - An inactive account being used.
 - Mail sent to customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

- A customer notifies OC San of any of the following activities:
 - Account statements are not being received.
 - Fraudulent activity on the customer's bank account that is used to pay account charges.

- OC San is notified by a customer, a victim of identity theft, or a member of law enforcement that an account has been opened for a person engaged in identity theft.

DETECTING AND RESPONDING TO RED FLAGS

Red flags will be detected as OC San employees interact with customers. An employee will be alerted to these red flags during the following processes:

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Response: Do not establish the account or accept payment until the customer's identity has been confirmed.

- **Answering customer inquiries on the phone, via email, and at the counter:** Someone other than the account holder may ask for information about an account or may ask to make changes to the information on an account. A customer may also refuse to verify their identity when asking about an account.

Response: Inform the customer that the account holder must give permission for them to receive information about the account. Do not make changes to or provide any information about the account, with one exception: if the service on the account has been suspended for non-payment, payment may be accepted in the amount needed to reactivate the account.

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Response: Verify the customer's identity and notify the Accounting Supervisor immediately. Take appropriate actions to correct any errors on the account, which may include:

- Suspending or reactivating the account
 - Updating personal information on the account
 - Updating the mailing address on the account
 - Updating account notes to document the fraudulent activity
 - Notifying and working with law enforcement officials
- **Receiving notification that an account has been established for a person engaged in identity theft.**

Response: Notify the Accounting Supervisor immediately. The claim will be investigated, and appropriate action will be taken to resolve the issue as quickly as possible.

ADMINISTRATION AND OVERSIGHT OF THE PROGRAM

The Director of Finance or his or her designee shall review this program annually and provide recommendations to the General Manager to update the program as needed based on the following events:

- Experience with identity theft.
- Changes to the types of accounts and/or programs offered.
- Implementation of new systems and/or vendor contracts.

Specific roles are as follows:

The Accounting Supervisor will oversee the daily activities related to identity theft detection and prevention and ensure that all members of the Revenue Section staff are trained to detect and respond to red flags.

The Director of Finance or his or her designee will provide ongoing oversight to ensure that the program is effective.

The General Manager will review and approve recommended changes to the program both annually and on as as-needed basis.

The OC San Board of Directors must approve the initial program.



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3152

Agenda Date: 8/23/2023

Agenda Item No: 7.

FROM: Robert Thompson, General Manager
Originator: Wally Ritchie, Director of Finance

SUBJECT:

UPDATE TO FINANCIAL TRANSACTIONS POLICY

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Adopt Resolution No. OC SAN 23-19 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District, Authorizing the Establishment of Miscellaneous Banking Accounts, Establishing Policies Governing the Transactions related thereto, and Designating Employees to act on Orange County Sanitation District's behalf for said accounts; and Repealing Resolution No. OCSD 18-06".

BACKGROUND

The Orange County Sanitation District (OC San) has established policies governing banking transactions and has designated employees to act on OC San's behalf for the banking accounts. Recent position title and personnel changes at OC San brought about the need to update this Resolution and employee designation.

RELEVANT STANDARDS

- Ensure the public's money is wisely spent
- Comply with OC San Policy governing banking transactions

PROBLEM

Position title and personnel changes have made the current policy outdated and there is a need to designate a different employee for banking transactions.

PROPOSED SOLUTION

Update the Resolution and policy to reflect current titles and personnel, along with changing the designated employee.

TIMING CONCERNS

N/A

RAMIFICATIONS OF NOT TAKING ACTION

OC San will not be in compliance with its own policy.

PRIOR COMMITTEE/BOARD ACTIONS

May 2018 - Adopted Resolution No. OCSD 18-06, entitled "A Resolution of the Board of Directors of the Orange County Sanitation District, Authorizing the Establishment of Miscellaneous Banking Accounts, Establishing Policies Governing the Transactions Related Thereto, and Designating Employees to Act on the District's Behalf for Said Accounts; and Repealing Resolution No. OCSD 98-24".

July 1998 - Adopted Resolution No. OCSD 98-24 selecting Union Bank to provide banking services.

ADDITIONAL INFORMATION

N/A

CEQA

N/A

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Resolution No. OC SAN 23-19 (Redlined)
- Resolution No. OC SAN 23-19 (Final)

RESOLUTION NO. ~~OCSD 18-06~~ OC SAN 23-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY SANITATION DISTRICT, AUTHORIZING THE ESTABLISHMENT OF MISCELLANEOUS BANKING ACCOUNTS, ESTABLISHING POLICIES GOVERNING THE TRANSACTIONS RELATED THERETO, AND DESIGNATING EMPLOYEES TO ACT ON ~~THE-ORANGE COUNTY SANITATION~~ DISTRICT'S BEHALF FOR SAID ACCOUNTS; AND REPEALING RESOLUTION NO. OCSD 98-2418-06

WHEREAS, most financial transactions of ~~the District~~ OC San involving a transfer of funds other for investments, are processed by ~~the District~~ OC San through accounts and funds on deposit with the ~~District's-OC San's~~ Treasurer; and

WHEREAS, there are three (3) categories of transactions handled by ~~the District~~ OC San which require daily accounting and fund transfers, to wit: (1) petty cash; (2) self-funded worker's compensation claims; and (3) short-term investment earnings; and

WHEREAS, in order to properly manage these daily transactions, ~~the District~~ OC San needs depository accounts with banks and/or savings and loan associations.

NOW THEREFORE, the Board of Directors of the Orange County Sanitation District, DOES HEREBY RESOLVE, DETERMINE AND ORDER:

Section 1. That ~~the District's~~ OC San's Treasurer is authorized to designate, by written directive, certain employees, or contract agents acting as ~~District-OC San's~~ administrators for worker's compensation claims, who are empowered to act on ~~the District's-OC San's~~ behalf relating to making deposits, issuing checks, ordering transfer of funds, and signing bank documents related solely to those transactions. The designated employees or agents shall be listed by name in the Treasurer's written directive and may be changed from time to times at his discretion. The employees shall be the incumbents of the following job classifications:

- Treasurer
- General Manager
- Assistant General Manager
- Director of Finance
- Finance ManagerController
- ControllerFinancial Management Division Manager
- Accounting Supervisor
- Such other similar positions as designated by the General Manager

- Such agents who act as administrators for ~~the District~~OC San pursuant to written agreement approved by the General Counsel

Section 2. That the Treasurer or designated employees are authorized to establish, in the name of ~~the District~~OC San, one or more deposit accounts with those depositories set forth in Section 3 below, upon such terms and conditions as may be agreed upon with said depositories. Said accounts shall be for the purpose of handling the transfer of funds related to the:

- ~~District's~~OC San's Petty Cash Fund
- ~~District's~~OC San's Self-Funded Worker's Compensation Insurance Fund
- ~~District's~~OC San's Short-Term Investment Earnings Fund

Section 3. That the following depository is approved for the deposit of ~~District~~OC San funds:

- Banc of California

Section 4. That the Treasurer or designated employees, but no ~~the District~~OC San Contract Agents, are authorized to execute Telephone Transfer Service Agreements or Authorizations, Funds Transfer Agreements, and Funds Transfer on Oral Instruction Agreements, with any authorized depository.

Section 5. That all withdrawal of monies by and on behalf of ~~the District~~OC San from the authorized accounts shall be signed by any one person designated by the Treasurer in the Bank-Depositor Agreements, unless said Agreements specifically provide for two authorized signatures.

Section 6. That the authority delegated hereby to ~~the District's~~OC San's Treasurer is made to ~~Lorenzo Tyner~~Wallace Ritchie, whose signature appears after his name:

~~Lorenzo Tyner~~Wallace Ritchie

(Authorized Signature)

PASSED AND ADOPTED at a regular meeting of the Board of Directors held August 23, 2023

Chad P. Wanke
Board Chairman

Kelly A. Lore, MMC
Clerk of the Board

STATE OF CALIFORNIA)
)SS
COUNTY OF ORANGE)

I, Kelly A. Lore, Clerk of the Board of Directors of the Orange County Sanitation District, do hereby certify that the foregoing Resolution No. OC SAN 23-XX was passed and adopted at a regular meeting of said Board on the 23rd day of August, 2023, by the following vote, to wit:

- AYES:**
- NOES:**
- ABSTENTIONS:**
- ABSENT:**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Orange County Sanitation District this 23rd day of August, 2023.

Kelly A. Lore, MMC
Clerk of the Board
Orange County Sanitation District

RESOLUTION NO. OC SAN 23-19

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY SANITATION DISTRICT, AUTHORIZING THE ESTABLISHMENT OF MISCELLANEOUS BANKING ACCOUNTS, ESTABLISHING POLICIES GOVERNING THE TRANSACTIONS RELATED THERETO, AND DESIGNATING EMPLOYEES TO ACT ON ORANGE COUNTY SANITATION DISTRICT'S BEHALF FOR SAID ACCOUNTS; AND REPEALING RESOLUTION NO. OCSD 18-06

WHEREAS, most financial transactions of the Orange County Sanitation District (OC San) involving a transfer of funds other for investments, are processed by OC San through accounts and funds on deposit with the OC San's Treasurer;

WHEREAS, there are three (3) categories of transactions handled by OC San which require daily accounting and fund transfers, to wit: (1) petty cash; (2) self-funded worker's compensation claims; and (3) short-term investment earnings; and

WHEREAS, in order to properly manage these daily transactions, OC San needs depository accounts with banks and/or savings and loan associations.

NOW THEREFORE, the Board of Directors of the Orange County Sanitation District, DOES HEREBY RESOLVE, DETERMINE AND ORDER:

Section 1. That OC San's Treasurer is authorized to designate, by written directive, certain employees or contract agents acting as OC San's administrators for worker's compensation claims, who are empowered to act on OC San's behalf relating to making deposits, issuing checks, ordering transfer of funds, and signing bank documents related solely to those transactions. The designated employees or agents shall be listed by name in the Treasurer's written directive and may be changed from time to time at his discretion. The employees shall be the incumbents of the following job classifications:

- Treasurer
- General Manager
- Assistant General Manager
- Director of Finance
- Controller
- Financial Management Division Manager
- Accounting Supervisor
- Such other similar positions as designated by the General Manager
- Such agents who act as administrators for OC San pursuant to written agreement approved by the General Counsel

Section 2. That the Treasurer or designated employees are authorized to establish, in the name of OC San, one or more deposit accounts with those depositories set forth in Section 3 below, upon such terms and conditions as may be agreed upon with said depositories. Said accounts shall be for the purpose of handling the transfer of funds related to:

- OC San's Petty Cash Fund
- OC San's Self-Funded Worker's Compensation Insurance Fund
- OC San's Short-Term Investment Earnings Fund

Section 3. That the following depository is approved for the deposit of OC San funds:

- Banc of California

Section 4. That the Treasurer or designated employees, but no OC San Contract Agents, are authorized to execute Telephone Transfer Service Agreements or Authorizations, Funds Transfer Agreements, and Funds Transfer on Oral Instruction Agreements, with any authorized depository.

Section 5. That all withdrawal of monies by and on behalf of OC San from the authorized accounts shall be signed by any one person designated by the Treasurer in the Bank-Depositor Agreements, unless said Agreements specifically provide for two authorized signatures.

Section 6. That the authority delegated hereby to OC San's Treasurer is made to Wallace Ritchie, whose signature appears after his name:

Wallace Ritchie _____
(Authorized Signature)

PASSED AND ADOPTED at a regular meeting of the Board of Directors held August 23, 2023.

Ryan Gallagher
Board Vice-Chairman

Kelly A. Lore, MMC
Clerk of the Board

STATE OF CALIFORNIA)
)SS
COUNTY OF ORANGE)

I, Kelly A. Lore, Clerk of the Board of Directors of the Orange County Sanitation District, do hereby certify that the foregoing Resolution No. OC SAN 23-19 was passed and adopted at a regular meeting of said Board on the 23rd day of August 2023, by the following vote, to wit:

- AYES:**
- NOES:**
- ABSTENTIONS:**
- ABSENT:**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Orange County Sanitation District this 23rd day of August 2023.

Kelly A. Lore, MMC
Clerk of the Board of Directors
Orange County Sanitation District

BANKING SERVICES AGREEMENT

This Agreement for the provision of banking services is entered into to be effective May 1, 2018, by and between the **Orange County Sanitation District**, (“OCSD”), and **Banc of California, National Association** (“Bank”) (herein collectively referred to as the “Parties” or individually as a “Party”).

RECITALS

WHEREAS, OCSD desires to retain Bank to act as depository of OCSD funds and as provider of banking services in the manner provided in the “Request For Proposal For General Banking Services” (Exhibit “A”) and the “Proposal for General Banking Services” dated August 18, 2017, as submitted by Bank to OCSD (Exhibit “B”), both attached hereto and incorporated herein;

WHEREAS, OCSD wishes to contract with a bank having experience in the receipt, safekeeping, and management of municipal funds; and

WHEREAS, Bank is willing to enter into a contract with OCSD to provide professional banking services in accordance with this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

ARTICLE I - SCOPE OF SERVICES

1.1. Bank’s Specified Services

Bank shall perform those services, when requested by OCSD, and at the times and in the manner so requested, described in Exhibits “A” and “B.” In the event of an apparent discrepancy between the terms of Exhibits “A” and “B,” the terms of Exhibit “B” shall control.

The services provided by Bank shall be governed by this Agreement, and to the extent not contradicted by this Agreement, by the Bank’s standard terms and disclosures, including but not limited to the Bank’s Deposit Account Agreement.

1.2. Additional Services

Bank may perform services in addition to those listed in Section 1.1 when requested to do so by OCSD and when agreed by Bank. Compensation for any additional services performed by Bank shall be negotiated between Bank and OCSD and incorporated into this Agreement or other mutually executed writings prior to Bank performing such additional services.

1.3. Cooperation with OCSD

In the performance of the aforementioned services, Bank shall work closely with OCSD's Director of Finance, Controller, and all other OCSD officers and agents having responsibility for the deposit, withdrawal, and investment of OCSD funds.

1.4. Satisfactory Performance

Bank agrees to perform all services to the reasonable satisfaction of OCSD and within the time specified in Exhibits "A" and "B." Evaluations of the work will be done by OCSD staff or a designated individual. If the quality of the work is not satisfactory, OCSD, in its discretion, shall have the right to: 1) meet with Bank to review the quality of or manner in which the services are being performed and resolve matters of concern; and/or 2) terminate the Agreement as hereinafter set forth.

1.5. Compliance with Law

All services rendered hereunder shall be provided in accordance with the requirements of applicable local, state, and federal law.

1.6. Familiarity with Work

By execution of this Agreement, Bank warrants that: 1) it has thoroughly investigated and considered the services to be performed; 2) it has examined the applicable provisions of local, state, and federal law regarding the deposit, and withdrawal of OCSD funds; and 3) it has carefully considered how the services should be performed.

ARTICLE II - TERM

2.1. Termination

This Agreement will continue until either Party to this Agreement terminates its obligations under this Agreement, which may occur at any time by providing at least sixty (60) days advance written notice of such intent to terminate, to the other Party. Either Party may terminate its obligations under this Agreement for any reason. The 60-day period following the delivery of notice shall be called the "Termination Period." Notwithstanding the foregoing, OCSD or Bank may terminate this Agreement on less than sixty (60) days' notice if OCSD or Bank is required to do so under law, regulation, or regulatory authority.

2.2. Effect of Termination

In the event of termination of this Agreement, OCSD shall be liable to Bank for all services performed and compensation due to Bank for those services rendered up to the date that Bank ceases performance of those services.

If OCSD serves notice of termination upon Bank, Bank shall stop rendering services under this Agreement by the end of the Termination Period, unless directed to stop rendering services earlier than the end of the Termination Period by OCSD, and Bank shall deliver to OCSD all money, negotiable instruments, funds, and other property of OCSD's currently on deposit with or held by Bank. Upon request of OCSD, Bank shall also deliver to OCSD copies of any regular reports or documents relating to services performed for OCSD under this Agreement.

ARTICLE III - COMPENSATION

3.1. Amount and Manner of Compensation

Except as provided below, for the provision of all services rendered in accordance with Exhibits "A" and "B," during the term of this Agreement thereof, OCSD shall compensate Bank in the amounts and manner provided for therein.

ARTICLE IV - COORDINATION OF WORK

4.1. Coordination of Work

The following officer positions of Bank are authorized to act on Bank's behalf with respect to the services specified in this Agreement and to make all decisions in connection therewith:

Chief Executive Officer
Executive Vice President, Deposits and Treasury Management
Senior Vice President, Specialty Markets and Products
Senior Vice President, Operations
Senior Director, Senior Relationship Manager, Deposits and Treasury Management

4.2. Notices

All notices hereunder must be in writing. Any notice required or permitted by this Agreement shall be valid if personally delivered (hand receipt) to the party for whom it is intended, at the address set forth below, or if sent to such party at the same address by registered or certified mail, postage prepaid. If sent by personal delivery or registered or certified mail, notice shall be effective upon receipt, as reflected on the hand receipt or postal receipt. If sent by any other means, notice shall be effective upon receipt after written confirmation of the same.

Notice shall be given at the following addresses:

To OCSD:

Orange County Sanitation District

P.O. Box 8127
10844 Ellis Avenue
Fountain Valley, California 92728-8127
Attn: Clerk of the Board
Attn: Director of Finance and Administration
Facsimile: (714) 968-8851
Telephone: (714) 962-4211

To Bank:

Banc of California,
National Association
Government Banking
Attn: Veronica Villaseñor, MPP, CTP
Senior Director, Senior Relationship Manager
3 MacArthur Place
Santa Ana, CA 92707
Office: (949) 265-4022
Cell: (949) 333-9726
Facsimile: (855) 325-3949
Email: Veronica.Villasenor@bancofcal.com

Either party may change the name and/or address for notice upon written notice to the other party given in accordance with this Section 4.2.

ARTICLE V - INDEPENDENT CONTRACTOR

5.1. Bank's Status

Bank is an independent contractor and not an employee of OCSD. Neither OCSD nor its employees shall have any control over the conduct of the Bank or its employees except as herein set forth, and Bank expressly warrants not to, at any time or in any manner, represent that Bank, or its officers, employees, or agent, are in any manner officers, employees, or agents of OCSD. It is distinctly understood that Bank is and shall at all times remain, as to OCSD, a wholly independent contractor, and that Bank's obligations to OCSD are solely as prescribed by this Agreement and its incorporated Exhibits.

5.2. Bank's Personal Services -Inducement

This Agreement contemplates that the Bank's personal services and those of its officers, employees, and agents are a substantial inducement to OCSD for entering to this Agreement. Bank may not assign any interest in this Agreement nor shall Bank subcontract any portion of the performance contemplated under this Agreement without prior written approval by OCSD, such approval shall not be unreasonably withheld. Nothing in this Agreement shall be construed as preventing Bank from employing as many employees as Bank deems necessary for the proper and efficient execution of this Agreement.

ARTICLE VI - INDEMNITY AND INSURANCE

6.1. Indemnification

Each Party shall indemnify, defend, and hold free and harmless the other Party and its directors, officers, employees, shareholders, insurers and agents from and against any and all loss or liability for third party claims that occur or arise as a result of any gross negligence of such Party, its directors, officers, employees, and agents in performing any and all services rendered pursuant to this Agreement provided, however, such Party's obligation to defend, indemnify, and hold free and harmless shall not arise as a result of that portion of any claim that may occur as a result of the other Party's gross negligence. The Parties understand and agree that Bank shall be free of any indemnity obligation so long as Bank materially complies with the terms of this Agreement and the Deposit Account Agreement governing the account(s) at issue.

Neither OCSD nor Bank shall be responsible, under any circumstances, for any punitive, consequential or indirect damages which are incurred in connection with this Agreement or the Services, even if the Parties are aware of the possible for such damages.

6.2. Insurance

During the term of this Agreement, Bank at its sole cost and expense, shall carry and maintain the following insurance coverage:

A. Employee Dishonesty Insurance or Fidelity Bond. Coverage in an amount not less than \$15,000,000.00.

B. Standard Industry Form Comprehensive General Liability Insurance. Coverage in an amount not less than two million dollars (\$2,000,000.00) per claim or occurrence, which commercial general liability policy shall name the Orange County Sanitation District as an additional insured.

C. Standard industry form professional liability insurance coverage in an amount not less than two million dollars (\$2,000,000.00) per claim or occurrence.

D. Increased Insurance. In the event claims by others than OCSD reduce the available coverage and policy limits, OCSD may request Bank to obtain additional insurance in amounts that are standard in the industry for a firm of Bank's size and volume. In the event of Bank's failure to do so, OCSD may exercise their rights to terminate this Agreement.

E. Insurer Rating. Insurers must have an "A-" Policyholder's Rating, or better, and Financial Rating of at least Class VII, in accordance with the most current A.M. Best's Guide Rating.

F. Insurance Certificates. Bank shall provide to OCSD a certificate

or certificates of insurance in a form acceptable to OCSD indicating the deductible or self-retention amounts and the expiration date of said policy, and shall provide renewal certificates at expiration of each policy term.

G. Notice of Cancellation/Termination of Insurance. The above policy/policies of insurance shall not terminate, nor shall they be canceled, nor the coverage reduced, until after thirty (30) days' written notice is given to OCSD, except that ten (10) days' notice shall be given if there is a cancellation due to failure to pay a premium.

ARTICLE VII - MISCELLANEOUS

7.1. Enforcement of Agreement

This Agreement shall be construed and interpreted as to both validity and performance of the Parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim, or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Orange, State of California, or any other appropriate court in such county, and Bank covenants and agrees to submit to the personal jurisdiction of such court in the event of such action.

7.2. Disputes

In the event of any dispute arising under this Agreement, the injured Party shall notify the injuring Party in writing of its contentions by submitting a written claim therefore. The injured Party shall continue performing its obligations hereunder so long as the injuring Party cures any default within thirty (30) days after service of said notice, or if the cure of the default is commenced within thirty (30) days of said notice and is cured within a reasonable time after commencement, provided that if the default is an immediate danger to the health, safety, and general welfare, either Party may take immediate action under Section 7.5. Compliance with the provisions of this Section shall be a condition precedent to any legal action, and such compliance shall not be a waiver of either Party's right to take legal action in the event that the dispute is not cured

7.3. Waiver

No delay or omission in the exercise of any right or remedy of a nondefaulting Party on any default shall impair such right or remedy or be construed as a waiver. OCSD's consent or approval of any act by Bank requiring OCSD's consent or approval shall not be deemed to waive or render unnecessary OCSD's consent to or approval of any subsequent act of Bank. Any waiver by either Party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.4. Rights and Remedies are Cumulative

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

7.5. Attorney's Fees

If either Party commences an action or proceeding against the other Party arising out of or in connection with this Agreement, the prevailing Party shall be entitled to recover reasonable attorney's fees and costs of suit from the losing Party.

7.6. Integration

This Agreement represents the entire understanding of OCSD and Bank. No prior oral or written understanding shall be of any force or effect with respect to those matters covered in the Agreement. This Agreement may not be altered, amended, or modified except in writing by both Parties hereto.

7.7. Amendment

This Agreement may be amended at any time by the written mutual consent of both Parties. No amendment shall be effective unless written and signed by the Parties.

7.8. Agreement Supersedes Other Documents

To the extent that there is any conflict between this Agreement and any other relevant documents associated with Bank providing banking services to OCSD, the terms of this Agreement shall prevail. Notwithstanding this provision, the Parties agree that Section 6.1 hereof shall prevail as to this and all agreements incorporated herein by reference.

7.9. Corporate Authority

The persons executing this Agreement on behalf of the Parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said Parties and that by doing so, the Parties hereto are formally bound to the provisions of this Agreement.

Remainder of page intentionally left blank, signature page to follow.

7.10. Confidential Information

Bank shall maintain the strictest confidence regarding the business affairs of this Account. Written reports furnished by Bank to OCSD shall be treated by Bank as confidential and for the sole use and benefit of OCSD. Disclosure of said reports shall be made as required by applicable law.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed with all of the formalities required by law on the respective dates set forth opposite their signatures.

ORANGE COUNTY SANITATION DISTRICT

Dated: May 23, 2018 By: James D. Herberg
James D. Herberg

Title: General Manager

Dated: May 23, 2018 Attest: Kelly Lore
By: Kelly Lore
Kelly Lore

Title: Clerk of the Board

Dated: MAY 23, 2018 Approved as to Form:
By: Bradley R. Hogin
Bradley R. Hogin

Title: General Counsel

BANC OF CALIFORNIA, NATIONAL ASSOCIATION

Dated: 4/23/18 By: Veronica Villaseñor

Name: Veronica Villaseñor

Title: Senior Director

WAIVER OF SECURITY

TO WHOM IT MAY CONCERN,

Pursuant to Section 53653 of the Government Code of the State of California, a treasurer may, at his/her discretion, waive security for such portion of any deposits insured pursuant to federal law.

WHEREAS, deposits of commercial banks are insured to the amount established by the Federal Deposit Insurance Corporation ("FDIC") (as the same may change from time to time) and are backed by the full faith and credit of the United States Government.

WHEREAS, it is to the advantage of Banc of California, N.A., a financial institution, to increase the amount of its available collateral to secure the deposits of public accounts, and in so doing, without increasing the risk of the deposits of such public accounts.

NOW, THEREFORE, the authorized agent of Orange County Sanitation, Dist. a public institution, hereby agrees to waive the security required by Section 53652 of the Government Code of the State of California by Banc of California, N.A., the depository institution, equal to the amount of insurance provided by the FDIC (as the same may change from time to time). As a condition to the granting of this Waiver of Security, it is understood that Banc of California, N.A., the above named depository institution, shall continue to maintain approved collateral security for all public deposits in excess of the amount of insurance provided by the FDIC, in accordance with Section 53652 of the Government Code.

I am authorized to waive collateral security equal to the amount of insurance provided by the FDIC (as the same may change from time to time) for deposits held by Banc of California, N.A.

Dated: 5/23/18

Local Agency: DCSD

By: [Signature]

Title: Director of Finance

CONTRACT FOR DEPOSIT OF MONEYS

THIS CONTRACT, relating to the deposit of moneys, made as of the 23 day of May, 2018, by and between Lorenzo Tyner (hereinafter designated as "Treasurer") acting in his/her official capacity as Director of Finance (hereinafter designated as "Depositor") on the one hand, and Banc of California, N.A. (hereinafter designated "Depository Bank") on the other hand.

WITNESSETH:

WHEREAS, the Treasurer proposes to deposit in the Depository Bank from time to time, commencing on March 30, 2017 moneys in his/her custody in an aggregate amount on deposit at any one time not to exceed the total of the shareholders' equity of the Depository Bank, and said moneys will be deposited subject to Title 5, Division 2, Part 1, Chapter 4, Article 2 (commencing with Section 53630) of the Government Code of the State of California; and

WHEREAS, said provisions of the Government Code require the Treasurer to enter into a contract with the Depository Bank setting forth the conditions upon which said moneys are deposited; and

WHEREAS, in the judgment of the Treasurer, this contract is to the public advantage;

NOW, THEREFORE, it is agreed between the parties hereto as follows:

1. This contract cancels and supersedes any previous contracts between the Treasurer and the Depository Bank relating to the method of handling and collateralization of deposits of moneys.
2. This contract, but not deposits then held hereunder, shall be subject to termination by the Treasurer or the Depository Bank at any time upon 30 days' written notice. Deposits may be withdrawn in accordance with the agreement of the parties and applicable federal and state statutes, rules and regulations. This contract is subject to modification or termination upon enactment of any statute, rule or regulation, state or federal, which, in the opinion of the Administrator of Local Agency Security, is inconsistent herewith, including any change relative to the payment of interest upon moneys so deposited by the Treasurer.
3. Interest shall accrue on any moneys so deposited as permitted by any act of the Congress of the United States or by any rule or regulation of any department or agency of the Federal Government adopted pursuant thereto. If interest may legally be paid, all

moneys deposited in accordance with this contract shall bear interest at a rate, and on such terms, as agreed upon by the Treasurer and the Depository Bank. .

4. The Depository Bank shall issue to the Treasurer at the time of each inactive deposit a receipt on a form agreed to by the Depository Bank and the Treasurer, stating the interest to be paid, if any, the duration of the deposit, the frequency of interest payments, and the terms of withdrawal. Each such deposit receipt is by reference made a part of this contract.
5. As security for said deposit, the Depository Bank shall at all times maintain with the Agent of Depository Bank named in Paragraph Seven below, commencing forthwith, eligible securities, as listed in subdivisions (a) to (1), inclusive, and subdivision (n) of Government Code Section 53651, having a market value at least 10% in excess of the actual total amount of local agency money on deposit with the Depository Bank. Notwithstanding the provisions of subdivision (m) of Government Code Section 53651, no promissory note secured by a lien on real property will be used to secure any moneys deposited in accordance with this contract unless the Depository Bank is deemed to be an acceptable investment quality by the County Treasurer/Tax Collector as prescribed in his Official Investment Policy. If a promissory note is secured by a lien on real property, it must have a market value at least 50% in excess of the actual total amount of local agency money on deposit with the Depository Bank. If any eligible security is determined by the Administrator of Local Agency Security of the State of California in accordance with the Government Code Section 53661 to be not qualified to secure public deposits, additional security shall be substituted immediately by the Depository Bank, as necessary, to comply with the requirements of this Paragraph.
6. Eligible securities are those listed in Government Code Section 53651.
7. The Agent of Depository Bank, authorized by the Treasurer and the Depository to hold the eligible securities posted as collateral under this contract is TIB Dallas, The Independent Bankers' Bank (hereinafter designated as "Agent of Depository Bank"). Said Agent of Depository Bank has filed with the Administrator of Local Agency Security of the State of California an agreement to comply in all respect with the provisions of Title 5, Division 2, Part 1, Chapter 4, Article 2 (commencing with Sections 53630) of the Government Code. A copy of this agreement is available upon request.
8. Authority for placement of securities for safekeeping in accordance with Government Code Section 53659 is hereby granted to the Agent of Depository Bank, including placement with any Federal Reserve Banks or branches thereof, and the following banks, other than the Depository Bank, located in cities designated as reserve cities by the Board of Governors of the Federal Reserve System:
9. If the Depository Bank fails to pay all or part of any deposits of the Treasurer which are subject to this contract when ordered to do so in accordance with the terms of withdrawal set forth on the deposit receipt (which is by reference made a part hereof), the Treasurer will immediately notify, in writing, the Administrator of Local Agency Security. Action of the Administrator in converting the collateral required by Paragraph

5 above for the benefit of the Treasurer is governed by Government Code Section 53665.

10. The Depository Bank may add, substitute or withdraw eligible securities being used as security for deposits made hereunder in accordance with Government Code Section 53654, provided the requirements of Paragraph 5 above are met.
11. The Depository Bank shall have and hereby reserves the right to collect the interest on the securities, except in cases where the securities are liable to sale or are sold or converted in accordance with the provisions of Government Code Section 53665.
12. The Depository Bank shall bear and pay the expenses of transportation to and from the Treasurer's office of moneys so deposited and the expense of transportation of eligible securities maintained as collateral to and from the designated Agent of Depository Bank. The Depository Bank shall also handle, collect and pay all checks, drafts and other exchange without cost to Depositor.
13. This Contract, the parties hereto, and all deposits governed by this contract shall be subject in all respects to Title 5, Division 2, Part 1, Chapter 4, Article 2 (commencing with Section 53630) of the Government Code, and all other state and federal laws, statutes, rules and regulations applicable to such deposits, whether now in force or hereafter enacted or promulgated, all of which are by this reference made a part hereof.
14. Unless contradicted by the terms of this Contract, the Depository Bank's standard deposit account agreements will govern the parties' relationship.

IN WITNESS WHEREOF, the Treasurer in his official capacity has signed this contract in duplicate and the Depository Bank has caused this contract to be executed in like number by its duly authorized officers.

TREASURER:

Orange County Sanitation Dist.

By

Lorenzo Tyner

DEPOSITORY:

Banc of California, N. A.

By

Terrin Enssle
Terrin Enssle, SVP Corporate Treasurer
Banc of California, N. A.

By

Veronica Villaseñor
Veronica Villaseñor, Senior Director,
Senior Relationship Manager
Banc of California, N. A.



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3141

Agenda Date: 8/23/2023

Agenda Item No: 8.

FROM: Robert Thompson, General Manager
Originator: Laura Maravilla, Director of Human Resources

SUBJECT:

BENEFITS FOR UNREPRESENTED MANAGER GROUP EMPLOYEES

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Adopt Resolution No. OC SAN 23-16 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Approving Benefits Adjustments for Unrepresented Manager Group Employees".

BACKGROUND

There are fifteen (15) employees in nine (9) manager classifications at the Orange County Sanitation District (OC San) who oversee staff within a particular Division and align performance with the goals of the agency.

The General Manager is recommending benefits changes for all Manager Group employees effective the first pay period in July 2023 to increase OC San's matching 457(b) contribution to an amount not to exceed \$500 a month; and a wellness stipend in the amount of \$100 a month.

Currently, the Manager Group's market position is at the 67th percentile for salary and the 66th percentile for total compensation based on June 2023 data. This is below the Board target of the 75th percentile, and the proposed benefit changes will move the group closer to the target.

The total cost of the recommendations for the Manager Group is approximately \$67,763 annually.

RELEVANT STANDARDS

- Ensure the public's money is wisely spent
- Offer competitive compensation and benefits
- Cultivate a highly qualified, well-trained, and diverse workforce
- Maintain positive employer-employee relations

PROBLEM

OC San competes with other agencies to attract and retain talent. The current labor market provides many opportunities for highly qualified candidates, and OC San must adapt and remain competitive to ensure it is an employer of choice. Providing competitive pay and benefits compared to the labor market is key to supporting the ability to attract and retain top talent, especially at the highly impactful leadership level.

PROPOSED SOLUTION

Adopt Resolution No. OC SAN 23-16. This would provide the Managers Group benefit enhancements effective as of Fiscal Year 2023/2024 to strengthen their total compensation package and assist the organization with attracting and retaining highly qualified Manager Group employees.

TIMING CONCERNS

Salary and benefit changes generally take effect with the fiscal year in alignment with the budget.

RAMIFICATIONS OF NOT TAKING ACTION

Not taking timely action on benefit adjustments for unrepresented Manager Group employees may impact employee morale and loss of personnel.

PRIOR COMMITTEE/BOARD ACTIONS

September 2022 - Approved Resolution No. OC SAN 22-28 authorizing salary and benefit adjustments for unrepresented Manager Group employees for Fiscal Years 2022/2023, 2023/2024, and 2024/2025.

September 2019 - Approved Resolution No. OCSD 19-14 authorizing salary increases, salary range adjustments, and a minor increase to 457(b) matching contributions for unrepresented employees in the Managers Group for Fiscal Years 2019/2020, 2020/2021, and 2021/2022.

ADDITIONAL INFORMATION

N/A

CEQA

N/A

FINANCIAL CONSIDERATIONS

The costs of the proposed benefit changes are approximately \$67,763 annually for Managers. The funds for the additional benefits are included in OC San's operational budget.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Resolution No. OC SAN 23-16

RESOLUTION NO. OC SAN 23-16

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY SANITATION DISTRICT APPROVING BENEFITS ADJUSTMENTS FOR UNREPRESENTED MANAGER GROUP EMPLOYEES

WHEREAS, there are fifteen (15) employees in the Manager Group job classifications at the Orange County Sanitation District ("OC San") who serve as organizational leaders and oversee staff within particular divisions and/or workgroups to align performance outcomes with the strategic goals of the agency; and

WHEREAS, OC San is committed to remaining competitive and an employer of choice in a tight labor market to attract and retain the highly qualified talent in these key leadership positions that are critical to the success of the agency.

NOW, THEREFORE, the Board of Directors of the Orange County Sanitation District, DOES HEREBY RESOLVE, DETERMINE, AND ORDER:

That the Board of Directors hereby authorizes and approves the following changes to benefits for all Manager Group employees, which shall become effective the first pay period of July 2023:

- Increase OC San's matching 457(b) contribution to an amount not to exceed \$500 a month.
- A wellness stipend in the amount of \$100 a month.

That the General Manager, or his designee, is authorized to implement the changes to benefits approved herein.

PASSED AND ADOPTED at a regular meeting of the Orange County Sanitation District Board of Directors held August 23, 2023.

Ryan Gallagher
Board Vice-Chairman

ATTEST:

Kelly A. Lore, MMC
Clerk of the Board

APPROVED AS TO FORM:

Bradley R. Hogin
General Counsel

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, Kelly A. Lore, Clerk of the Board of Directors of the Orange County Sanitation District, do hereby certify that the foregoing Resolution No. OC SAN 23-16 was passed and adopted at a regular meeting of said Board on the 23rd of August 2023, by the following vote, to wit:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Orange County Sanitation District this 23rd of August 2023.

Kelly A. Lore, MMC
Clerk of the Board of Directors
Orange County Sanitation District



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3142

Agenda Date: 8/23/2023

Agenda Item No: 9.

FROM: Chad P. Wanke, Board Chairman

SUBJECT:

GENERAL MANAGER’S COMPENSATION AND BENEFITS

BOARD CHAIRMAN’S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Adopt Resolution No. OC SAN 23-17 entitled: “A Resolution of the Board of Directors of the Orange County Sanitation District approving a salary increase and salary range adjustment for the General Manager for Fiscal Year 2023/2024.” The increase consists of a salary range adjustment and corresponding salary increase of 8.5%, effective in the first pay period of July 2023.

BACKGROUND

The General Manager of the Orange County Sanitation District (OC San) is employed on an At-Will basis and serves at the pleasure of the Board of Directors. The General Manager has been serving in this capacity as of February 10, 2023.

According to Section 6 of the General Manager’s At-Will Employment Agreement, “OC San’s Steering Committee shall meet with the General Manager in August of each year during the term of this Agreement to review and evaluate his performance.” As part of the process, the Steering Committee also reviews the General Manager’s compensation and benefits provided and makes its recommendation(s) to the Board concerning any adjustments to be effective in July of the year of the review.

The Steering Committee reviewed the General Manager’s job performance for Fiscal Year 2022/2023 in closed session in June and July 2023 and recommends that the Board approve the proposed salary increase. The proposed salary increase will achieve the Board’s target of 75th percentile for overall market position and establish a salary for the General Manager that is competitive and supports retention.

RELEVANT STANDARDS

- Offer competitive compensation and benefits
- Maintain positive employer-employee relations
- Cultivate a highly qualified, well-trained, and diverse workforce
- Comply with OC San policy (Policy 6.1 Appraisal of Performance) and the General Manager’s At-Will Employment Agreement

PROBLEM

Based on July 2023 market data collected for salary and total compensation (salary + benefits), the General Manager's current salary market position is at the 55th percentile, and the 63rd percentile for total compensation, which is significantly below the Board's targeted 75th percentile for overall market position.

Additionally, Board-approved Fiscal Year 2023/2024 salary increases for OC San's Executive Management took effect in July 2023. With these increases, the General Manager's salary currently is just 1.0% above his highest paid direct report, thereby resulting in salary compaction.

PROPOSED SOLUTION

Approve the proposed salary range adjustment and corresponding salary increase of 8.5% for FY 2023/2024 for the General Manager through Resolution No. OC SAN 23-17. The recommended salary increase would achieve the targeted 75th percentile and address the salary compaction occurring with the General Manager's highest paid direct report.

TIMING CONCERNS

The Steering Committee conducted the annual review and evaluation of the General Manager's performance for FY 2022/2023 and is recommending changes to compensation based on salary market data and for retention. In accordance with the General Manager's At-Will Agreement, the Board makes the final determination on the compensation payable to the General Manager, which shall become effective retroactively to the first pay period in July of the year of the review.

RAMIFICATIONS OF NOT TAKING ACTION

Not taking action as proposed may result in a missed opportunity to recognize good performance, support retention of highly skilled and experienced staff, and address salary compaction issues.

PRIOR COMMITTEE/BOARD ACTIONS

June & July 2023 - Steering Committee and Board of Directors (July only) reviewed the General Manager's performance evaluation in Closed Session.

January 2023 - Board of Directors adopted Resolution No. OC SAN 23-04 appointing Robert C. Thompson to the position of General Manager for OC San.

ADDITIONAL INFORMATION

The agency's accomplishments during the past year include the following:

- Continuing to operate at a high level of organizational performance during the transition from COVID-19 pandemic toward normal operations
- Performed a comprehensive rate study for establishment of a new five-year rate program

- Completed its tenth consecutive year with no violations of the NPDES Permit
- Created and adopted an annual Asset Management Plan for the collection system, treatment plants, and upcoming maintenance or capital projects
- Completed final expansion of the GWRS
- Initiated preparation for startup of a pilot program on supercritical water oxidation
- Implemented remote warehousing at Plant No. 2 to streamline operations and provide space for construction of new digesters
- Analyzed consolidated interagency agreements for wastewater service and developed a path forward
- Partnered with local water and wastewater agencies to standardize food waste treatment options, expand water quality improvement opportunities, and plan for upcoming expiration of the GAP II agreement
- Developed an outreach program for member agencies regarding inflow and infiltration, FOG, and saltwater issues
- Implemented an award program to recognize industrial dischargers, with 37 businesses recognized in the inaugural class
- Prepared a Fleet Management Strategy that incorporates anticipated future regulations and compliance requirements
- Aligned the GM's goals with the Board's policy direction and priorities through the strategic planning process, with 14 of 17 items completed this fiscal year and three (3) carried over to next fiscal year

CEQA

N/A

FINANCIAL CONSIDERATIONS

The annual cost of the proposed salary change is approximately \$28,121.60. The funds for the additional compensation are included in OC San's operational budget.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Resolution No. OC SAN 23-17
- General Manager Salary Schedule (Proposed FY 2023/2024)
- At-Will Employment Agreement, Robert C. Thompson effective 7/1/2023

RESOLUTION NO. OC SAN 23-17

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY SANITATION DISTRICT APPROVING A SALARY INCREASE AND SALARY RANGE ADJUSTMENT FOR THE GENERAL MANAGER FOR FISCAL YEAR 2023/2024

WHEREAS, the General Manager provides organizational leadership, strategic direction, and agency oversight for Orange County Sanitation District (OC San); and

WHEREAS, the General Manager serves in an at-will employment capacity, which may be terminated at any time by the Board with or without cause; and

WHEREAS, it is OC San's philosophy to compensate employee classifications competitively, which currently can be achieved through alignment with the salary market; and

WHEREAS, the February 10, 2023, At-Will Agreement with the General Manager provides that, "OC San's Steering Committee shall meet with General Manager in August of each year during the term of this Agreement to review and evaluate his performance over the prior year. The Steering Committee shall make its recommendation(s) to the Board concerning adjustment to the compensation and/or benefits paid or provided to General Manager, to be effective in July of the year of review. After consideration of the recommendation(s) of the Steering Committee, the Board shall determine and approve the compensation, including benefits, payable to General Manager, which generally becomes effective July of the fiscal year of the review"; and

WHEREAS, the Steering Committee commenced its review of the General Manager's performance in June 2023, finalized its review and made its recommendation to the Board on August 23, 2023.

NOW, THEREFORE, the Board of Directors of the Orange County Sanitation District, DOES HEREBY RESOLVE, DETERMINE, AND ORDER:

1. That the At-Will Agreement with the General Manager (Attached hereto as Exhibit 1) setting forth the terms and conditions of his employment, including a salary increase in the first pay period of July 2023, consisting of an 8.5% salary range adjustment and corresponding salary increase as determined by the Board of Directors, is hereby approved to be effective retroactively to the first pay period of July 2023;
2. That the Board Chairperson, or his designee, is authorized to implement the changes to salary range and salary items approved herein.

PASSED AND ADOPTED at a regular meeting of the Board of Directors held August 23, 2023.

Ryan Gallagher
Board Vice-Chairman

ATTEST:

Kelly A. Lore, MMC
Clerk of the Board

APPROVED AS TO FORM:

Bradley R. Hogin
General Counsel

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, Kelly A. Lore, Clerk of the Board of Directors of the Orange County Sanitation District, do hereby certify that the foregoing Resolution No. OC SAN 23-17 was passed and adopted at a regular meeting of said Board on the 23rd of August 2023, by the following vote, to wit:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Orange County Sanitation District this 23rd of August 2023.

Kelly A. Lore, MMC
Clerk of the Board of Directors
Orange County Sanitation District

General Manager Salary Schedules

**Orange County Sanitation District
Classification and Compensation Plan**

GENERAL MANAGER, Current (FY 2021-22)
--

Pay Grade		Step 1	Step 2	Step 3	Step 4	Step 5
EM37	Annual	\$ 279,490	\$ 293,779	\$ 308,818	\$ 324,605	\$ 341,203
	Monthly	\$ 23,291	\$ 24,482	\$ 25,735	\$ 27,050	\$ 28,434
	Hourly	\$ 134.37	\$ 141.24	\$ 148.47	\$ 156.06	\$ 164.04

GENERAL MANAGER, FY 2023-24 (Proposed)

Pay Grade		Step 1	Step 2	Step 3	Step 4	Step 5
EM37	Annual	\$ 303,243	\$ 318,760	\$ 335,067	\$ 352,206	\$ 370,198
	Monthly	\$ 25,270	\$ 26,563	\$ 27,922	\$ 29,351	\$ 30,850
	Hourly	\$ 145.79	\$ 153.25	\$ 161.09	\$ 169.33	\$ 177.98



AT-WILL EMPLOYMENT AGREEMENT

**Robert C. Thompson
General Manager**

ORANGE COUNTY SANITATION DISTRICT

THIS AT-WILL EMPLOYMENT AGREEMENT ("Agreement") is entered into, to be effective the **1st day of July, 2023**, by and between:

ORANGE COUNTY SANITATION DISTRICT, hereinafter referred to as "OC San";

AND

ROBERT C. THOMPSON, sometimes hereinafter referred to as "General Manager"; collectively referred to herein as ("the Parties")

RECITALS

WHEREAS, OC San desires to continue to employ Robert C. Thompson ("Mr. Thompson"), as General Manager of OC San, pursuant to the terms and conditions as set forth in this Agreement; and

WHEREAS, Mr. Thompson, by virtue of his education, training and experience, is fully qualified to fill the position of General Manager and desires to serve OC San as its General Manager, pursuant to the terms and conditions of this Agreement; and

WHEREAS, per Resolution No. OC SAN 23-17 adopted on August 23, 2023, OC San's Board of Directors has approved and authorized the Board Chairperson to execute this "At-Will Employment Agreement" to include a base building salary increase of 8.5% of his current salary.

WHEREAS, at the beginning of negotiations of a new Employment Agreement, the parties agreed that any salary changes agreed to would take effect retroactively to the first pay

period of July 2023, which is the first pay period in the current fiscal year.

NOW, THEREFORE, the Parties hereto agree as follows:

Section 1: OC San hereby continues to employ Mr. Thompson to serve as General Manager of the Orange County Sanitation District, commencing on the effective date hereof, and continuing until termination by either Party, as provided in this Agreement.

In that capacity, Mr. Thompson agrees to perform the functions and duties of General Manager, the administrative head of OC San, as prescribed by the laws of the State of California, and by the rules, regulations, decisions, and directions of the Board of Directors of OC San (hereinafter referred to as "Board"). The General Manager's duties may involve expenditures of time in excess of the regularly established workday or in excess of a forty-hour work week and may also include time outside normal office hours (including attendance at Board and Committee meetings). General Manager is classified as an exempt employee under the Fair Labor Standards Act ("FLSA") and shall not be entitled to any additional compensation for hours worked in excess of forty in a work week.

Section 2: Mr. Thompson shall be employed in an "at-will" capacity serving at the sole pleasure of the Board. Either party to this Agreement may terminate the Agreement at any time for any reason with or without cause, and without hearing, upon 30 days' notice to the other party. Mr. Thompson is advised and acknowledges that he has none of the termination rights of a Regular employee of OC San. Except as expressly provided herein, and as a condition of employment, Mr. Thompson knowingly, willingly and voluntarily gives up, waives, and disclaims any and all rights he may have, express or implied, to any notice and/or hearing before or after termination, and/or to any continued employment with OC San after termination.

As an "at-will" employee, Mr. Thompson understands that he may be subject to termination with or without cause at the sole discretion of the Board, notwithstanding that the other provisions of OC San's Personnel Policies and Procedures Manual (hereinafter referred to as "Manual") apply to Mr. Thompson. If OC San terminates employment without cause, Mr. Thompson shall be given a thirty (30) day Notice of Termination and severance pay in an amount equal to six (6) months of his then current annual base salary upon Mr. Thompson's execution of a valid written release of legal claims.

If OC San terminates this Agreement (thereby terminating Mr. Thompson's employment) without cause, and Mr. Thompson executes a valid written release of legal claims, the severance pay is considered a cash settlement related to the termination of Mr. Thompson and waiver of legal claims

and shall be fully reimbursed to OC San by Mr. Thompson if Mr. Thompson is convicted of a crime involving an abuse of his office or position. Abuse of office or position shall have the meaning set forth in Government Code 53243.4, as may be amended, of either (1) an abuse of public authority, including, but not limited to, waste, fraud and violation of the law under color of authority, or (2) a crime against public justice, including, but, not limited to, a crime described in Title 7 (commencing with Section 92 of Part 1 of the Penal Code). Mr. Thompson shall reimburse such severance pay to OC San no later than six (6) months after such conviction. If Mr. Thompson terminates his employment with 30 days' notice, the Board shall have the right to accept his resignation effective the date notice is given. Such decision to accept his resignation earlier shall not be considered a termination without cause and shall not entitle Mr. Thompson to receive the severance pay noted above.

Section 3: The term of this Agreement shall commence on the effective date above and continue for an indefinite duration, until terminated by either Party pursuant to Section 2 above, or unless terminated or amended as provided herein.

Section 4: As compensation for the services to be performed hereunder, upon the effective date of this Agreement, OC San agrees to pay General Manager an annual base salary for services rendered of three hundred fifty-nine thousand, twenty-eight dollars and eighty cents (\$359,028.80), subject to all applicable deductions and withholdings of any and all sums required by then current state, federal or local law, along with deductions of applicable sums the General Manager is obligated to pay because of participation in plans and programs described in this Agreement, and paid biweekly in accordance with OC San's established accounting and payroll practices at the same time and in the same manner as other employees of OC San. No increase in salary may exceed the compensation permitted by the applicable salary range for the classification established by duly adopted Resolution of the Board.

Section 5: For the period of this Agreement, OC San shall provide Mr. Thompson with a fixed benefit package that includes the following:

- Personal Leave – accrued based on years of service for all paid hours, including hours actually worked and hours in a paid-leave payroll status, on a biweekly basis in accordance with the Manual. Personal leave accruals shall not exceed four hundred forty (440) hours as of December 31 of each year. Any hours in excess of said limit, will be paid to Mr. Thompson in January in an amount equal to the hourly rate of compensation.
- Administrative Leave – 40 hours per fiscal year, granted and not eligible for annual cash out.

- Investment Incentive Salary (IIS) – 6% of base salary applied on a biweekly fiscal year basis, and a flat amount of one thousand two hundred fifty dollars (\$1,250) annually.
- Deferred Compensation – OC San-paid annual allocation of \$11,000 allocated on a biweekly calendar year basis.
- Car Allowance – OC San-paid annual allocation of \$8,400 issued on a semi-monthly basis.
- Medical Allowance – OC San-paid annual allocation of six thousand dollars (\$6,000), with any funds not used toward employee portions of insurance premiums to be returned to the employee in a mutually agreeable manner (such as flexible spending account contributions or cash payment).

Mr. Thompson's benefit package also shall include benefits consistent with the Manual for: holiday pay; medical, dental, vision and life insurance at three times base salary; long-term and short-term disability insurance; and employee assistance program. Additionally, Mr. Thompson's benefit package shall include executive disability insurance benefits, consistent with those provided to OC San managers.

These benefits shall remain in full force and effect unless and until replaced by an amendment to this Agreement, signed by Mr. Thompson and approved by the Board, which amendment shall include the effective date thereof.

Section 6: OC San's Steering Committee shall meet with General Manager in August of each year during the term of this Agreement to review and evaluate his performance over the prior year. The Steering Committee shall make its recommendation(s) to the Board concerning adjustment to the compensation and/or benefits paid or provided to General Manager, to be effective in July of the year of review. After consideration of the recommendation(s) of the Steering Committee, the Board shall determine and approve the compensation, including benefits, payable to General Manager, which generally becomes effective July of the fiscal year of the review. Failure of OC San to review and evaluate the performance of the General Manager pursuant to this section shall not affect the right of OC San to terminate the General Manager's employment and shall not be considered a breach of this Agreement.

Section 7: Mr. Thompson shall be a Participant Member in the Orange County Employees Retirement System ("OCERS"). OC San shall pay the required employer's contribution of Mr. Thompson's required contribution towards membership in OCERS.

Section 8: OC San shall reimburse General Manager for all expenses paid by him and incurred for non-personal, job-related OC San business that are reasonably necessary to the General Manager's service to OC San. OC San agrees to either pay such expenses in advance or to reimburse the expenses, so long as the expenses are incurred and submitted according to the criteria established by OC San's budget and/or normal expense reimbursement procedures pursuant to applicable policy Resolutions. To be eligible for reimbursement, all expenses must be supported by documentation meeting OC San's policies and requirements and must be submitted within time limits established by OC San. Such reimbursement shall not be considered a benefit.

Section 9: During the period of this Agreement, it is agreed that General Manager shall devote his fulltime, skills, labor and attention to said employment. At no time may General Manager undertake outside activities consisting of consultant work, speaking engagements, writing, lecturing, or other similar professional activities for money or other consideration without prior approval of OC San's Steering Committee. However, the expenditure of reasonable amount of time for educational, charitable, or professional activities shall not be deemed a breach of this Agreement if those activities do not conflict or materially interfere with the services required under this Agreement and shall not require the prior written consent of the Steering Committee.

This Agreement shall not be interpreted to prohibit General Manager from making passive personal investments or conducting private business affairs, provided those activities are not deemed to be a conflict of interest by state law nor do they conflict or materially interfere with the services required under this Agreement.

Section 10: The Board has the sole discretion to determine whether OC San shall pay General Manager pending an investigation into any alleged misconduct by General Manager. In the event that OC San's Board determines, in its sole discretion, that it is in the best interest of OC San for General Manager to be placed on paid administrative leave pending such an investigation, General Manager shall fully reimburse any salary provided for that purpose if the misconduct for which the General Manager was under investigation results in the General Manager being convicted of a crime involving an abuse of his office or position as defined in Section 2 of this Agreement. General Manager shall reimburse such salary to OC San no later than six months after such conviction.

Section 11: In the event that OC San provides funds for the legal criminal defense of General Manager, General Manager shall fully reimburse said funds to OC San if the General

Manager is convicted of a crime involving an abuse of his/her office or position as defined in Section 2 of this Agreement. General Manager shall reimburse such criminal legal defense fees to OC San no later than six months after such conviction .

Section 12: The terms and conditions of employment for General Manager, including other employment benefits for the General Manager that are not specifically provided for in this Agreement, shall be governed by the Manual, to the extent that amendments to the Manual made after the effective date of this Agreement are not inconsistent with the provisions of this Agreement. In the event of any such inconsistency or conflict, the provisions of this Agreement shall govern.

Section 13: This Agreement supersedes any and all other prior agreements, either oral or in writing, between the Parties hereto with respect to the employment of Mr. Thompson by OC San and contains all of the covenants and agreements between the Parties with respect to that employment in any manner whatsoever. Each Party to this Agreement acknowledges that no representation, inducement, promise, or agreement, orally or otherwise, has been made by any Party, or anyone acting on behalf of any Party, which is not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement or Employment shall be valid or binding on either Party.

Section 14: Any notices to be given hereunder by either Party to the other shall be in writing and may be transmitted by personal delivery, or by mail, registered or certified, postage prepaid, with return receipt requested. Mailed notices shall be addressed to the Parties at the addresses maintained in the personnel records of OC San, but each Party may change that address by written notice in accordance with this Section. Notices delivered personally shall be deemed communicated as of the date of actual receipt; mailed notices shall be deemed communicated as of the date of mailing.

Section 15: Any modifications of this Agreement will be effective only if set forth in writing and signed by the Parties.

Section 16: The failure of either Party to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement by the other Party, shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

Section 17: If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

Section 18: This Agreement shall be governed by and construed in accordance with the laws of the State of California and all applicable ordinances, policies and resolutions.

Section 19: General Manager acknowledges that he has had the opportunity and has conducted an independent review of the financial and legal effects of this Agreement. General Manager acknowledges that he has made an independent judgment upon the financial and legal effects of the Agreement and has not relied upon representation of OC San, its elected or appointed officers and officials, agents or employees other than those expressly set forth in this Agreement. General Manager acknowledges that he has been advised to obtain, and has availed himself of, legal advice with respect to the terms and provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this At-Will Employment Agreement as follows.

"OC SAN"
ORANGE COUNTY SANITATION DISTRICT

"GENERAL MANAGER"

By: _____
Robert C. Thompson Date

APPROVED AS TO FORM:
BRADLEY R. HOGIN
GENERAL COUNSEL

"VICE-CHAIRMAN, BOARD OF DIRECTORS"

Bradley R. Hogin

By: _____
Ryan Gallagher Date



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3101

Agenda Date: 8/23/2023

Agenda Item No: 10.

FROM: Robert Thompson, General Manager

SUBJECT:

GRANT POLICY UPDATE

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION:

Information item.

BACKGROUND

Through the guidance of the Board of Directors, Orange County Sanitation District (OC San) staff has historically applied for grants whenever possible based on a “Go No Go” approach evaluating whether OC San has a project or program that truly fits each grant opportunity and meets the requirements of the grant. Listed below are the grants that OC San has received:

- \$2.025 million - P1-101 Sludge Dewatering and Odor Control at Plant No.1 through Environmental Protection Agency - September 2009
- \$1 million P1-101 Sludge Dewatering and Odor Control at Plant No. 1 through Prop 84 First Round - May 2011
- \$450,000 OC San SP-173 Effluent Reuse Study GWRS Final Expansion through the United States Bureau of Reclamation - May 2015
- \$1 million 2-72 Newhope-Placentia Trunk Replacement Project Prop 84 Third Round - October 2015
- \$1 million First Round of the Water Infrastructure Improvements for the Nation Act GWRS Final Expansion - August 2018
- \$40,000 Mass Timber Grant Signage for the New Headquarters - Approval Fall 2019
- \$2,000 Community Partnering Program grant through the Metropolitan Water District for Plant Signage - Spring 2019
- \$3.45 Million - Supercritical Water Oxidation Project (in process) Community Project Funding Requests 2023-2024

RELEVANT STANDARDS

- Maintain influential legislative advocacy and a public outreach program
- Build brand, trust, and support with policy makers and community leaders

- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities
- Ensure the public's money is wisely spent

PROBLEM

Revisit the current grants policy approach to ensure clear direction and make any necessary changes based on the direction of the Board.

PROPOSED SOLUTION

Work with the members of the Steering Committee, OC San Lobbyist, and grants consultant to verify approach, identify potential funding opportunities, and ensure compliance.

RAMIFICATIONS OF NOT TAKING ACTION

Staff would continue the grants program under the current "Go No Go" model.

ADDITIONAL INFORMATION

OC San and its consultants regularly review grant funding opportunities on the state, federal, and local levels. With the assistance of consultants, OC San staff reviews available grants for their viability and OC San's ability to meet the grant funding requirements. In general, most of the available funds are targeted towards loans of which OC San does not require as a pay-as-you-go agency.

The timing of funding for grant opportunities normally requires that an agency have "shovel-ready" projects that are waiting for funding before they can be executed. OC San does not have "shovel-ready" projects that are contingent on grant funding. OC San projects are constructed based on infrastructure condition and/or regulation requirements through a robust CIP where projects are vetted and subsequently budgeted.

Based on OC San's business model of asset management, capital planning, and pay-as-you-go financing, projects are designed and bid out based on condition assessment rankings or various identified risks (such as seismic, climate impact, regulation change, or energy market), not based on funding opportunities.

Grant funding opportunities typically have embedded solicitation conditions to meet eligibility requirements. Projects that are identified for grant funding prior to solicitation can be structured to include the more expensive specified requirements. A few examples of requirements include:

- The Build America, Buy America Act (BABA) is intended to strengthen Made in America Laws and to increase/encourage the use of manufactured goods, construction materials, and iron/steel that are made in America. The Act creates a domestic content procurement preference for all Federal financial assistance_which includes Federal grants and loans. These requirements especially limit product availability which impacts cost and project schedule.

- Part of the construction process includes complying with all CEQA documents and requirements which includes an environmental impact analysis. For Federal funding, the state approved CEQA documentation is not accepted. In the case of the Community Project Funding for Supercritical Water Oxidation, where we were awarded \$3.45 million dollars, staff and consultants are applying for a NEPA categorical exclusion as we do not apply for NEPA approval during the planning process.
- Federal purchasing requirements - OC San's purchasing policy and the purchasing requirements of the Federal government, such as the EPA, may not be the same.
- Minority business, women's business, and small business enterprise programs that take affirmative steps to ensure use of minority, women's, and small business in projects.
- Labor Compliance - this requirement is tied to both State and Federal funding to monitor and enforce compliance with state prevailing wage laws on public works projects.

These are a few of the common requirements when it comes to State and Federal funding. When implementing these requirements on a project, it is likely to increase the bid cost, add internal and external administration costs, restrict the eligible bidding pool, and take additional time to procure. OC San only applies these requirements when needed. If a project has already completed solicitation through standard OC San processes, it may not qualify for grant funding opportunities.

When funding becomes available, OC San and consultants review the CIP and meet with federal and state offices to determine eligible projects, projects of interest, schedules, and requirements to determine if further analysis is warranted. If so, and timing aligns, bid documents can be updated and incorporate what is needed assuming the business cost analysis makes the most sense. This is done project by project.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- OC San Grant Program



OC San Grant Program

When evaluating whether to pursue a grant opportunity, the Orange County Sanitation District's (OC San's) general policy is to be strategically aggressive. It is important to fully understand a grant program's intent and evaluate whether OC San has a project or program that **truly fits** with what each grant opportunity desires to fund (or has historically funded). While being aggressive and forward-thinking is encouraged, this is balanced with spending resources wisely and only pursuing grant opportunities that align with OC San's objectives and where there is a strong likelihood of winning a grant award and successfully managing the grant post-award. To that end, the following checklist is provided to help OC San in making a sound "go" or "no go" decision based on the direction from the Steering Committee's guidance.

- What does this grant opportunity want to fund, specifically? Do we have a project/program that fits or are we trying to "make something" fit?
- What has this grant program funded historically? Is our project aligned with what this funding agency has funded in the past?
- How much is the proposed grant funding? Has a cost benefit analysis been conducted? Is it cost prohibitive? Meaning: will the grant cost more in staff hours and reporting than the amount of the award? If so, then it is a "No Go."
- Are we able to meet the requirements of the grant?



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3158

Agenda Date: 8/23/2023

Agenda Item No: CS-1

FROM: Robert Thompson, General Manager

SUBJECT:

CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(1)

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 1

- Alexis Tovar Solis and Jose Tovar v. Orange County Sanitation District; and Does 1-10, Superior Court of California, County of Los Angeles, Case No. 21STC24469.

BACKGROUND

During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chairperson may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters.

Reports relating to (a) purchase and sale of real property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

RELEVANT STANDARDS

- Government Code Sections 54956.8, 54956.9, 54957, or 54957.6, as noted

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Memorandum from General Counsel

WOODRUFF

Woodruff & Smart
A Professional Corporation

MEMORANDUM

TO: Hon. Chair and Members of the Orange County Sanitation District Steering Committee

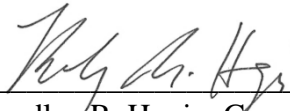
FROM: Bradley R. Hogin, Esq.
General Counsel

DATE: August 16, 2023

RE: Closed Session Items

The Committee desires to hold a closed session on August 23, 2023 for the purpose of conferring with its legal counsel regarding existing litigation to which the District is a party. The title of the case is *Alexus Tovar Solis and Jose Tovar v. Orange County Sanitation District; and Does 1-10*. Los Angeles Superior Court Case No. 21STC24469. The closed session will be held pursuant to the authority of California Government Code Section 54956.9(d)(1).

Respectfully submitted,

By  _____
Bradley R. Hogin, General Counsel



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3159

Agenda Date: 8/23/2023

Agenda Item No: CS-2

FROM: Robert Thompson, General Manager

SUBJECT:

CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(2)

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 2

- A. Claim/Demand Letter received from Watt Tieder, on behalf of PCL Construction, Inc., re: Contract No. P2-98A for Project A-Side Primary Clarifiers Replacement at Plant 2. Claim regarding a Change Order Proposal RFC No. 44; and
- B. Claim/Compensation Request received from Carolyn Smuts re: Property Damage at 22202 Cape May Lane, Huntington Beach, CA 92646.

BACKGROUND

During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chairperson may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters.

Reports relating to (a) purchase and sale of real property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

RELEVANT STANDARDS

- Government Code Sections 54956.8, 54956.9, 54957, or 54957.6, as noted

ATTACHMENT

The following attachment(s) are included in hard copy and may also be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Memoranda from General Counsel

WOODRUFF

Woodruff & Smart
A Professional Corporation

MEMORANDUM

TO: Hon. Chair and Members of the Orange County Sanitation District Steering Committee

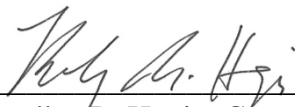
FROM: Bradley R. Hogin, Esq.
General Counsel

DATE: August 16, 2023

RE: Closed Session Items

The Committee desires to hold a closed session on August 23, 2023 for the purpose of conferring with its legal counsel regarding anticipated litigation. Existing facts and circumstances reflect a significant exposure to litigation against the District. The closed session will be held pursuant to the authority of California Government Code Section 54956.9(d)(2). The facts and circumstances are as follows. OC San retained PCL Construction, Inc. to construct the A-Side Primary Clarifiers Replacement Project at Plant 2. On August 1, 2023, PCL Construction submitted a claim for the costs of extended overhead, labor, and materials arising out of a project delay as alleged.

Respectfully submitted,

By  _____
Bradley R. Hogin, General Counsel

WOODRUFF

Woodruff & Smart
A Professional Corporation

MEMORANDUM

TO: Hon. Chair and Members of the Orange County Sanitation District Steering Committee

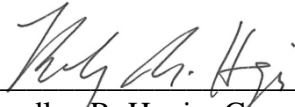
FROM: Bradley R. Hogin, Esq.
General Counsel

DATE: August 16, 2023

RE: Closed Session Items

The Committee desires to hold a closed session on August 23, 2023 for the purpose of conferring with its legal counsel regarding anticipated litigation. Existing facts and circumstances reflect a significant exposure to litigation against the District. The closed session will be held pursuant to the authority of California Government Code Section 54956.9(d)(2). The facts and circumstances are as follows. On August 1, 2023, Carolyn Smuts submitted a claim for damages to OC San. The claim alleges that OC San activities have caused damage to her property.

Respectfully submitted,

By  _____
Bradley R. Hogin, General Counsel



STEERING COMMITTEE

Agenda Report

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

File #: 2023-3135

Agenda Date: 8/23/2023

Agenda Item No: CS-3

FROM: Robert Thompson, General Manager

SUBJECT:

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

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 1

Potential initiation of litigation regarding Miller-Holder Rhone Lane Easement.

BACKGROUND

During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chairperson may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters.

Reports relating to (a) purchase and sale of real property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

RELEVANT STANDARDS

- Government Code Sections 54956.8, 54956.9, 54957, or 54957.6, as noted

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Memorandum from General Counsel

WOODRUFF

Woodruff & Smart
A Professional Corporation

MEMORANDUM

TO: Hon. Chair and Members of the Orange County Sanitation District Steering Committee

FROM: Bradley R. Hogin, Esq.
General Counsel

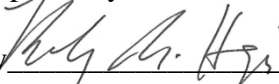
DATE: August 16, 2023

RE: Closed Session Items

The Committee desires to hold a closed session on August 23, 2023 for the purpose of conferring with its legal counsel regarding potential litigation. Based on existing facts and circumstances, the Committee is deciding whether to initiate litigation against another party. The closed session will be held pursuant to the authority of California Government Code Section 54956.9(d)(4).

The facts and circumstances are as follows. OC San owns a 30-foot-wide easement that allows OC San to access the Miller-Holder pipeline. A number of homeowners in Huntington Beach have interfered with OC San's property rights by placing permanent structures on the easement. The offending structures lie adjacent to the Union Pacific rail line between Kim Lane to the north and the East Garden Grove Wintersburg channel to the south.

Respectfully submitted,

By 
Bradley R. Hogin, General Counsel

ORANGE COUNTY SANITATION DISTRICT COMMON ACRONYMS

ACWA	Association of California Water Agencies	LOS	Level Of Service	RFP	Request For Proposal
APWA	American Public Works Association	MGD	Million Gallons Per Day	RWQCB	Regional Water Quality Control Board
AQMD	Air Quality Management District	MOU	Memorandum of Understanding	SARFPA	Santa Ana River Flood Protection Agency
ASCE	American Society of Civil Engineers	NACWA	National Association of Clean Water Agencies	SARI	Santa Ana River Interceptor
BOD	Biochemical Oxygen Demand	NEPA	National Environmental Policy Act	SARWQCB	Santa Ana Regional Water Quality Control Board
CARB	California Air Resources Board	NGOs	Non-Governmental Organizations	SAWPA	Santa Ana Watershed Project Authority
CASA	California Association of Sanitation Agencies	NPDES	National Pollutant Discharge Elimination System	SCADA	Supervisory Control And Data Acquisition
CCTV	Closed Circuit Television	NWRI	National Water Research Institute	SCAP	Southern California Alliance of Publicly Owned Treatment Works
CEQA	California Environmental Quality Act	O & M	Operations & Maintenance	SCAQMD	South Coast Air Quality Management District
CIP	Capital Improvement Program	OCCOG	Orange County Council of Governments	SOCWA	South Orange County Wastewater Authority
CRWQCB	California Regional Water Quality Control Board	OCHCA	Orange County Health Care Agency	SRF	Clean Water State Revolving Fund
CWA	Clean Water Act	OCSD	Orange County Sanitation District	SSMP	Sewer System Management Plan
CWEA	California Water Environment Association	OCWD	Orange County Water District	SSO	Sanitary Sewer Overflow
EIR	Environmental Impact Report	OOBS	Ocean Outfall Booster Station	SWRCB	State Water Resources Control Board
EMT	Executive Management Team	OSHA	Occupational Safety and Health Administration	TDS	Total Dissolved Solids
EPA	US Environmental Protection Agency	PCSA	Professional Consultant/Construction Services Agreement	TMDL	Total Maximum Daily Load
FOG	Fats, Oils, and Grease	PDSA	Professional Design Services Agreement	TSS	Total Suspended Solids
gpd	gallons per day	PFAS	Per- and Polyfluoroalkyl Substances	WDR	Waste Discharge Requirements
GWRS	Groundwater Replenishment System	PFOA	Perfluorooctanoic Acid	WEF	Water Environment Federation
ICS	Incident Command System	PFOS	Perfluorooctanesulfonic Acid	WERF	Water Environment & Reuse Foundation
IERP	Integrated Emergency Response Plan	POTW	Publicly Owned Treatment Works	WIFIA	Water Infrastructure Finance and Innovation Act
JPA	Joint Powers Authority	ppm	parts per million	WIIN	Water Infrastructure Improvements for the Nation Act
LAFCO	Local Agency Formation Commission	PSA	Professional Services Agreement	WRDA	Water Resources Development Act

ORANGE COUNTY SANITATION DISTRICT GLOSSARY OF TERMS

ACTIVATED SLUDGE PROCESS – A secondary biological wastewater treatment process where bacteria reproduce at a high rate with the introduction of excess air or oxygen and consume dissolved nutrients in the wastewater.

BENTHOS – The community of organisms, such as sea stars, worms, and shrimp, which live on, in, or near the seabed, also known as the benthic zone.

BIOCHEMICAL OXYGEN DEMAND (BOD) – The amount of oxygen used when organic matter undergoes decomposition by microorganisms. Testing for BOD is done to assess the amount of organic matter in water.

BIOGAS – A gas that is produced by the action of anaerobic bacteria on organic waste matter in a digester tank that can be used as a fuel.

BIOSOLIDS – Biosolids are nutrient rich organic and highly treated solid materials produced by the wastewater treatment process. This high-quality product can be recycled as a soil amendment on farmland or further processed as an earth-like product for commercial and home gardens to improve and maintain fertile soil and stimulate plant growth.

CAPITAL IMPROVEMENT PROGRAM (CIP) – Projects for repair, rehabilitation, and replacement of assets. Also includes treatment improvements, additional capacity, and projects for the support facilities.

COLIFORM BACTERIA – A group of bacteria found in the intestines of humans and other animals, but also occasionally found elsewhere, used as indicators of sewage pollution. E. coli are the most common bacteria in wastewater.

COLLECTIONS SYSTEM – In wastewater, it is the system of typically underground pipes that receive and convey sanitary wastewater or storm water.

CERTIFICATE OF PARTICIPATION (COP) – A type of financing where an investor purchases a share of the lease revenues of a program rather than the bond being secured by those revenues.

CONTAMINANTS OF POTENTIAL CONCERN (CPC) – Pharmaceuticals, hormones, and other organic wastewater contaminants.

DILUTION TO THRESHOLD (D/T) – The dilution at which the majority of people detect the odor becomes the D/T for that air sample.

GREENHOUSE GASES (GHG) – In the order of relative abundance water vapor, carbon dioxide, methane, nitrous oxide, and ozone gases that are considered the cause of global warming (“greenhouse effect”).

GROUNDWATER REPLENISHMENT SYSTEM (GWRS) – A joint water reclamation project that proactively responds to Southern California’s current and future water needs. This joint project between the Orange County Water District and OCSD provides 70 million gallons per day of drinking quality water to replenish the local groundwater supply.

LEVEL OF SERVICE (LOS) – Goals to support environmental and public expectations for performance.

N-NITROSODIMETHYLAMINE (NDMA) – A N-nitrosamine suspected cancer-causing agent. It has been found in the GWRS process and is eliminated using hydrogen peroxide with extra ultra-violet treatment.

NATIONAL BIOSOLIDS PARTNERSHIP (NBP) – An alliance of the NACWA and WEF, with advisory support from the EPA. NBP is committed to developing and advancing environmentally sound and sustainable biosolids management practices that go beyond regulatory compliance and promote public participation to enhance the credibility of local agency biosolids programs and improved communications that lead to public acceptance.

PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) – A large group (over 6,000) of human-made compounds that are resistant to heat, water, and oil and used for a variety of applications including firefighting foam, stain and water-resistant clothing, cosmetics, and food packaging. Two PFAS compounds, perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) have been the focus of increasing regulatory scrutiny in drinking water and may result in adverse health effects including developmental effects to fetuses during pregnancy, cancer, liver damage, immunosuppression, thyroid effects, and other effects.

PERFLUOROCTANOIC ACID (PFOA) – An ingredient for several industrial applications including carpeting, upholstery, apparel, floor wax, textiles, sealants, food packaging, and cookware (Teflon).

PERFLUOROCTANESULFONIC ACID (PFOS) – A key ingredient in Scotchgard, a fabric protector made by 3M, and used in numerous stain repellents.

PLUME – A visible or measurable concentration of discharge from a stationary source or fixed facility.

PUBLICLY OWNED TREATMENT WORKS (POTW) – A municipal wastewater treatment plant.

SANTA ANA RIVER INTERCEPTOR (SARI) LINE – A regional brine line designed to convey 30 million gallons per day of non-reclaimable wastewater from the upper Santa Ana River basin to the ocean for disposal, after treatment.

SANITARY SEWER – Separate sewer systems specifically for the carrying of domestic and industrial wastewater.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) – Regional regulatory agency that develops plans and regulations designed to achieve public health standards by reducing emissions from business and industry.

SECONDARY TREATMENT – Biological wastewater treatment, particularly the activated sludge process, where bacteria and other microorganisms consume dissolved nutrients in wastewater.

SLUDGE – Untreated solid material created by the treatment of wastewater.

TOTAL SUSPENDED SOLIDS (TSS) – The amount of solids floating and in suspension in wastewater.

ORANGE COUNTY SANITATION DISTRICT GLOSSARY OF TERMS

TRICKLING FILTER – A biological secondary treatment process in which bacteria and other microorganisms, growing as slime on the surface of rocks or plastic media, consume nutrients in wastewater as it trickles over them.

URBAN RUNOFF – Water from city streets and domestic properties that carry pollutants into the storm drains, rivers, lakes, and oceans.

WASTEWATER – Any water that enters the sanitary sewer.

WATERSHED – A land area from which water drains to a particular water body. OCSD's service area is in the Santa Ana River Watershed.