

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

OCTOBER 26, 2022



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

CALL TO ORDER

A regular meeting of the Board of Directors of the Orange County Sanitation District was called to order by Board Chairman Chad Wanke on Wednesday, October 26, 2022 at 6:00 p.m. in the Administration Building of the Orange County Sanitation District. Director Bob Ooten delivered the invocation and led the Pledge of Allegiance.

**A. APPOINTMENTS TO THE ORANGE COUNTY SANITATION DISTRICT [2022-2592](#)
BOARD OF DIRECTORS**

Originator: Kelly Lore

Clerk of the Board Kelly Lore introduced the item, acknowledged Alternate Director Jordan Nefulda, and took Alternate Director Nefulda's oath of office.

WITHOUT OBJECTION ACTION TAKEN TO:

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

Agency	Director	Alternate Director
City of Los Alamitos		Jordan Nefulda

ROLL CALL AND DECLARATION OF QUORUM

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

PRESENT: Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

ABSENT: Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner

STAFF PRESENT: Jim Herberg, General Manager; Kelly Lore, Clerk of the Board; and Joshua Martinez were present in the Board Room. ; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Celia Chandler, Director of Human Resources; Kathy Millea, Director of Engineering; Riaz Moinuddin, Director of Operations and Maintenance; Lan Wiborg, Director of Environmental Services; Jennifer Cabral; Thys DeVries; Mike Dorman; Justin Fenton; Hardat Khublall; Tina Knapp; Laura Maravilla; Rob Michaels; Victoria Pilko; Wally Ritchie; Kevin Schuler; Loc Tran; Thomas Vu; Eros Yong; and Ruth Zintzun were in attendance telephonically.

OTHERS PRESENT: Brad Hogin, General Counsel, was in attendance telephonically.

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:**1. WASTEWATER 101 CITIZENS ACADEMY GRADUATION [2022-2370](#)**

Originator: Kelly Lore

Chair Wanke recognized the following graduates of the Wastewater 101 Citizens Academy: Betty Hwang, City of Orange; Mayra Talavera and Tiffany Ho, City of Cypress; Kim Flores, City of Fountain Valley; Courtney Day, City of Long Beach; and Rose Bowen, City of Huntington Beach.

2. EMPLOYEE SERVICE AWARDS [2022-2576](#)

Originator: Kelly Lore

Chair Wanke recognized the following:

20-year Service Award

Al Garcia, Program Assistant - Division 120

REPORTS:

Chair Wanke stated that the Resolution to continue teleconferencing of public meetings is on the agenda. The Steering Committee voted to go back to in-person meetings and the Board of Directors will make its decision for the conduct of Board meetings when the item is heard.

Chair Wanke reminded the Board of the upcoming State of OC San on Tuesday, November 15, 2022 at 9:00 a.m. and to sign up if not already done.

Chair Wanke also stated that the Board talking points regarding OC San activities for use when reporting to councils, boards, and community groups would be sent tomorrow.

General Manager Jim Herberg reminded the Board that OC San's Administrative Offices would be closed on November 11th in recognition of Veteran's Day and the November and December Board Meetings would be held on the third Wednesday of the month due to the holidays.

CONSENT CALENDAR:**3. APPROVAL OF MINUTES [2022-2577](#)**

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Board of Directors Meeting held September 28, 2022.

AYES: Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: None

ABSENT: Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner

ABSTENTIONS: None

**4. DIRECT ACCESS ENERGY PURCHASE CONTRACT - [2022-2572](#)
CONSTELLATION NEWENERGY, INC.**

Originator: Riaz Moinuddin

At the request of Director Brooke Jones, Director of Operations and Maintenance Riaz Moinuddin responded to questions regarding the process of purchasing direct access energy.

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Master Service Agreement with Constellation NewEnergy, Inc.

AYES: Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: None

ABSENT: Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner

ABSTENTIONS: None

RECEIVE AND FILE:

5. COMMITTEE MEETING MINUTES [2022-2065](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the GWRS Steering Committee Meeting held July 11, 2022
- B. Minutes of the Steering Committee Meeting held August 24, 2022
- C. Minutes of the Operations Committee Meeting held September 7, 2022
- D. Minutes of the Administration Committee Meeting held September 14, 2022

6. **REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF SEPTEMBER 2022** [2022-2385](#)

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

OPERATIONS COMMITTEE:

7. **PURCHASE AND DELIVERY OF EMERGENCY LOX BACKUP SYSTEM AT PLANT NO. 2** [2022-2567](#)

Originator: Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Purchase Order Contract to Cryo-Lease for the purchase and delivery of Emergency LOX Backup System, Specification No. E-2022-1348BD, for a total amount not to exceed \$358,000, plus applicable sales tax; and

B. Approve a contingency of \$35,800 (10%).

AYES: Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: None

ABSENT: Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner

ABSTENTIONS: None

8. **SERVICE AGREEMENT FOR CENTRAL GENERATION CONTINUOUS EMISSIONS MONITORING SYSTEMS** [2022-2568](#)

Originator: Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Sole Source General Services Contract with CEMTEK Environmental for Central Generation Automation/Continuous Emissions Monitoring Systems (CEMS) Maintenance Services (Specification No. CEMS22-27) at both Central Generation facilities for a five-year period beginning November 23, 2022 through November 22, 2027, for a total amount not to exceed \$667,500; and

B. Approve a contingency of \$66,750 (10%).

- AYES:** Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)
- NOES:** None
- ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner
- ABSTENTIONS:** None

9. EDINGER PUMP STATION REPLACEMENT, PROJECT NO. 11-33 [2022-2569](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Design Services Agreement with Arcadis U.S., Inc. to provide engineering services for Edinger Pump Station Replacement, Project No. 11-33, for an amount not to exceed \$3,125,590; and
- B. Approve a contingency of \$312,560 (10%).

- AYES:** Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)
- NOES:** None
- ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner
- ABSTENTIONS:** None

10. GREENVILLE TRUNK IMPROVEMENTS, PROJECT NO. 1-24 [2022-2570](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Design Services Agreement with Brown and Caldwell to provide engineering services for Greenville Trunk Improvements, Project No. 1-24, for an amount not to exceed \$4,730,000; and
- B. Approve a contingency of \$473,000 (10%).

AYES: Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: None

ABSENT: Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner

ABSTENTIONS: None

11. **EDINGER PUMP STATION REPLACEMENT, PROJECT NO. 11-33** [2022-2571](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a Purchase, Sale and Replacement of Easement Agreement between the Orange County Sanitation District and the Orange County Flood Control District for the Construction of Edinger Pump Station Replacement, Project No. 11-33, for an amount not to exceed \$47,907.

AYES: Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: None

ABSENT: Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner

ABSTENTIONS: None

ADMINISTRATION COMMITTEE:

12. **PLANT NO. 1 AND PLANT NO. 2 DATA CENTER NETWORK EQUIPMENT REPLACEMENT** [2022-2580](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Purchase Order Contract to ePlus Technology, Inc. for the Purchase of IT Hardware (Plant No. 1 and Plant No. 2 Data Center Network Equipment Replacement), Specification No. E-2022-1340BD, for a total amount not to exceed \$643,261.90, plus applicable sales tax;
- B. Approve a Purchase Order to ePlus Technology, Inc. using the U.S. General Services Administration’s (GSA) Schedule 84 Contract Number GS-35F-303DA for the purchase of professional services to implement and configure the Plant No. 1 and Plant No. 2 Data Center Network, for a total amount not to exceed \$90,433.60, in accordance with Ordinance No. OC SAN-56, Section 2.03(B) Cooperative Purchases; and
- C. Approve a contingency in the amount of \$73,369.55 (10%) for both the Purchase Order Contract and Purchase Order.

AYES: Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: None

ABSENT: Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner

ABSTENTIONS: None

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

None.

STEERING COMMITTEE:

None.

NON-CONSENT:

13. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS [2022-2588](#)

Originator: Jim Herberg

Chair Wanke introduced the item and stated that the Steering Committee made the decision to meet in person for the next meeting. He stated that there were a few meeting format options available for Board discussion.

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-33 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District authorizing the continuation of remote meetings pursuant to Government Code Section 54953".

AYES: Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: Anthony Kuo

ABSENT: Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner

ABSTENTIONS: None

14. REVISED POLICY REGARDING BOARD OF DIRECTORS' EXPENSE REIMBURSEMENT, MEETING ATTENDANCE AND COMPENSATION [2022-2589](#)

Originator: Jim Herberg

General Manager Herberg introduced the item and provided a brief update on the changes proposed in the Resolution.

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-34 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District Adopting a Revised Policy Regarding Board of Directors' Expense Reimbursement, Meeting Attendance and Compensation; and Repealing Resolution No. OCSD 18-20".

AYES: Brad Avery, Art Brown, Kim Carr, Stephen Faessel, Ryan Gallagher, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Jordan Nefulda (Alternate), Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: None

ABSENT: Rose Espinoza, Johnathan Ryan Hernandez and Donald Wagner

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director David Shawver stated that he would be attending the OCCOG meeting on October 27th.

CLOSED SESSION:

None.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 6:31 p.m., Chair Wanke adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, November 16, 2022 at 6:00 p.m.

Submitted by:



Kelly A. Lore, MMC
Clerk of the Board