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## **CALL TO ORDER**

A regular meeting of the Steering Committee of the Orange County Sanitation District was called to order by Board Chairman David Shawver on Wednesday, August 28, 2019 at 5:01 p.m. in the Administration Building of the Orange County Sanitation District.

A quorum was declared present, as follows:

## **DECLARATION OF QUORUM:**

**Present:** David Shawver, John Withers, Robert Collacott, Chad Wanke, Glenn Parker and Tim Shaw  
**Absent:** Peter Kim

## **STAFF PRESENT:**

Jim Herberg, General Manager; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Celia Chandler, Director of Human Resources; Kathy Millea, Director of Engineering; Lan Wiborg, Director of Environmental Services; Kelly Lore, Clerk of the Board; Marc Brown; Jennifer Cabral; Cliff Casanova; Rod Collins; Thys DeVries; Mike Dorman; Dean Fisher; Al Garcia; Ted Gerber; Mark Kawamoto; Laurie Klinger; Tina Knapp; Laura Maravilla; Andrew Nau; Wally Ritchie; Roya Sohanaki; and Thomas Vu.

## **OTHERS PRESENT:**

Brad Hogin, General Counsel; Laura Kalty, Liebert Cassidy Whitmore, Special Counsel.

## **PUBLIC COMMENTS:**

None.

## **REPORTS:**

Chair Shawver and General Manager Jim Herberg did not provide reports.

## **CONSENT CALENDAR:**

### **1. APPROVAL OF MINUTES**

**[2019-508](#)**

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Meeting of the Steering Committee held July 24, 2019.

**Ayes:** David Shawver, John Withers, Robert Collacott, Chad Wanke, Glenn Parker and Tim Shaw

**Noes:** None

**Absent:** Peter Kim

**Abstentions:** None

2. AMENDMENT TO BIG CANYON COUNTRY CLUB EASEMENT [2019-496](#)

**Originator:** Lorenzo Tyner

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

Approve the Amendment to Easement between Orange County Sanitation District and Big Canyon Country Club to adjust the Sanitation District’s easement to correspond with the new sewer location within the Big Canyon Country Club in the City of Newport Beach.

**Ayes:** David Shawver, John Withers, Robert Collacott, Chad Wanke, Glenn Parker and Tim Shaw

**Noes:** None

**Absent:** Peter Kim

**Abstentions:** None

**NON-CONSENT:**

3. SETTLEMENT AGREEMENT WITH ASEPTIC TECHNOLOGY, LLC [2019-497](#)

**Originator:** Lan Wiborg

Assistant General Manager Lorenzo Tyner provided background information on this item and answered questions from the Committee.

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

Authorize the General Manager to execute a Settlement Agreement to settle industrial wastewater discharge enforcement matters with Aseptic Technology, LLC, a facility that discharged without a valid Orange County Sanitation District permit, for \$185,000 plus applicable fees and interest, in a form approved by General Counsel.

**Ayes:** David Shawver, John Withers, Robert Collacott, Chad Wanke, Glenn Parker and Tim Shaw

**Noes:** None

**Absent:** Peter Kim

**Abstentions:** None

4. GENERAL MANAGER'S FISCAL YEAR 2019-20 DRAFT WORK PLAN [2019-498](#)

**Originator:** Jim Herberg

Mr. Herberg introduced this item and provided a brief background on the item.

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

Receive and file the General Manager's Fiscal Year 2019-2020 Draft Work Plan.

**Ayes:** David Shawver, John Withers, Robert Collacott, Chad Wanke, Glenn Parker and Tim Shaw

**Noes:** None

**Absent:** Peter Kim

**Abstentions:** None

5. SUCCESSOR MEMORANDUMS OF UNDERSTANDING FOR THE SUPERVISOR & PROFESSIONAL GROUPS [2019-499](#)

**Originator:** Celia Chandler

Special Legal Counsel Laura Kalty provided background information on this item.

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

A. Adopt Resolution No. OCSD 19-08, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District approving the Memoranda of Understanding between the Orange County Sanitation District and the Supervisory and Professional Management Group, for Fiscal Years 2019/2020, 2020/2021 & 2021/2022; and

B. Direct staff to finalize and sign the Memoranda of Understanding (MOUs) between Orange County Sanitation District and the two (2) Supervisory and Professional Management Group bargaining units.

**Ayes:** David Shawver, John Withers, Robert Collacott, Chad Wanke, Glenn Parker and Tim Shaw

**Noes:** None

**Absent:** Peter Kim

**Abstentions:** None

6. SUCCESSOR MEMORANDUMS OF UNDERSTANDING FOR THE ORANGE COUNTY EMPLOYEES ASSOCIATION [2019-500](#)

**Originator:** Celia Chandler

Special Legal Counsel Laura Kalty provided background information on this item.

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

- A. Adopt Resolution No. OCSD 19-09, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District approving the Memoranda of Understanding between the Orange County Sanitation District and the Orange County Employees Association (OCEA), for Fiscal Years 2019/2020, 2020/2021 & 2021/2022; and
- B. Direct staff to finalize and sign the Memoranda of Understanding (MOUs) between Orange County Sanitation District and the three (3) OCEA bargaining units.

**Ayes:** David Shawver, John Withers, Robert Collacott, Chad Wanke, Glenn Parker and Tim Shaw

**Noes:** None

**Absent:** Peter Kim

**Abstentions:** None

7. SUCCESSOR MEMORANDUMS OF UNDERSTANDING FOR THE INTERNATIONAL UNION OF OPERATING ENGINEERS - LOCAL 501 [2019-501](#)

**Originator:** Celia Chandler

Special Legal Counsel Laura Kalty provided background information on this item and indicated there was a correction of note on a typo in Exhibit A in paygrade 66 that should read \$45.21, not \$45.12.

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

- A. Adopt Resolution No. OCSD 19-10, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District approving the Memoranda of Understanding between the Orange County Sanitation District and the International Union of Operating Engineers, Local 501, for Fiscal Years 2019/2020, 2020/2021 & 2021/2022; and
- B. Direct staff to finalize and sign the Memoranda of Understanding (MOUs) between Orange County Sanitation District and the Local 501 bargaining unit.

**Ayes:** David Shawver, John Withers, Robert Collacott, Chad Wanke, Glenn Parker and Tim Shaw

**Noes:** None

**Absent:** Peter Kim

**Abstentions:** None

8. ELIMINATION OF UNFUNDED ACTUARIAL ACCRUED LIABILITY (UAAL) AND NET PENSION LIABILITY (NPL) WITHIN THE ORANGE COUNTY EMPLOYEES' RETIREMENT SYSTEM [2019-526](#)

**Originator:** Lorenzo Tyner

Mr. Tyner provided background information on this item and answered questions from the Committee.

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

Direct staff to pay off the following amounts in the Orange County Sanitation District's defined pension plan administered by the Orange County Employees' Retirement System (OCERS) in an amount not to exceed \$38 million:

- Unfunded Actuarial Accrued Liability (UAAL) in the amount of \$9 million for pension benefits
- Net Pension Liability (NPL) in the amount of \$29 million for deferred investment loss

**Ayes:** David Shawver, John Withers, Robert Collacott, Chad Wanke, Glenn Parker and Tim Shaw

**Noes:** None

**Absent:** Peter Kim

**Abstentions:** None

**INFORMATION ITEMS:**

None.

**CLOSED SESSION:**

**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54957(b)(1), 54957.6 & 54956.9(d)(4):**

The Committee convened in closed session at 5:29 p.m. to discuss four items. Confidential minutes of the Closed Sessions have been prepared in accordance with the above Government Code Sections and are maintained by the Clerk of the Board in the Official Book of Confidential Minutes of Board and Committee Closed Session Meetings.

**CS-1** CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(2) [2019-503](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Significant exposure to litigation: Claim of Jose Cruz

**CS-2** CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT [2019-504](#)  
CODE SECTION 54957.6

CONVENED IN CLOSED SESSION:

Agency Designated Representatives: General Manager James Herberg, Assistant General Manager Lorenzo Tyner, and Director of Human Resources Celia Chandler.

Unrepresented Employees: Confidential Group: Assistant Clerk of the Board; Clerk of the Board; Human Resources Analyst; Human Resources Assistant; Human Resources Supervisor; Principal HR Analyst; Secretary to the General Manager; and Senior Human Resources Analyst.

**CS-3** CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT [2019-505](#)  
CODE SECTION 54957.6

CONVENED IN CLOSED SESSION:

Agency Designated Representatives: General Manager James Herberg, Assistant General Manager Lorenzo Tyner and Director of Human Resources Celia Chandler.

Unrepresented Employees: Managers Group: Administration Manager; Controller; Engineering Manager; Environmental Laboratory & Ocean Monitoring Manager; Human Resources & Risk Manager; IT Systems & Operations Manager; Maintenance Manager; Operations Manager; and Purchasing and Contracts Manager.

**CS-4** CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT [2019-506](#)  
CODE SECTION 54957.6

CONVENED IN CLOSED SESSION:

Agency Designated Representatives: General Manager James Herberg, Assistant General Manager Lorenzo Tyner, and Director of Human Resources Celia Chandler.

Unrepresented Employees: Executive Managers Group: Assistant General Manager; Director of Engineering; Director of Environmental Services; and Director of Human Resources.

The Committee reconvened in Open Session at 5:53 p.m.

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

General Counsel Brad Hogin did not provide a report.

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

None.

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

None.

**ADJOURNMENT:**

Chair Shawver declared the meeting adjourned at 5:54 p.m. to the next Steering Committee meeting to be held on September 25, 2019 at 5:00 p.m.

Submitted by:

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Kelly A. Lore, MMC  
Clerk of the Board