



ORANGE COUNTY SANITATION DISTRICT **SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19)** **AND ATTENDANCE AT PUBLIC MEETINGS**

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020 and March 18, 2020, Governor Newsom issued Executive Order N-25-20 and Executive Order N-29-20, which temporarily suspends portions of the Brown Act which addresses the conduct of public meetings. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which continues the suspension of portions of the Brown Act which addresses the conduct of public meetings through September 30, 2021.

The General Manager and the Chairman of the Board of Directors have determined that due to the size of the Orange County Sanitation District's Board of Directors (25), and the health and safety of the members, the Board of Directors will be participating in meetings of the Board telephonically and via Internet accessibility.

PUBLIC PARTICIPATION

Your participation is always welcome. The Board of Directors meeting will be available to the public online at:

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

You may submit your comments and questions in writing for the Board's consideration in advance of the meeting by using the eComment feature available via the webpage above 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". Submit your written comments by 6:00 p.m. on Tuesday, August 24, 2021.

You may also submit comments and questions for the Board's consideration during the meeting by using the eComment feature that will be available via the webpage above for the duration of the meeting.

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

Thank you.

August 18, 2021

NOTICE OF REGULAR MEETING

**BOARD OF DIRECTORS
ORANGE COUNTY SANITATION DISTRICT**

Wednesday, August 25, 2021 – 6:00 P.M.

ACCESSIBILITY FOR THE GENERAL PUBLIC

Due to the spread of COVID-19, the Orange County Sanitation District will be holding all upcoming Board and Committee meetings by teleconferencing and Internet accessibility. This meeting will be available to the public online at:

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

The Regular Meeting of the Board of Directors of the Orange County Sanitation District will be held in the manner indicated above on Wednesday, August 25, 2021 at 6:00 p.m.



Clerk of the Board

Upcoming Meetings:

**Steering Committee -
Board Meeting -**

**Wednesday, September 22, 2021 at 5:00 p.m.
Wednesday, September 22, 2021 at 6:00 p.m.**

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



BOARD OF DIRECTORS
Regular Meeting Agenda
Wednesday, August 25, 2021 - 6:00 PM
Board Room
Administration Building
10844 Ellis Avenue
Fountain Valley, CA 92708
(714) 593-7433

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 Sanitation District's Administration Building located at 10844 Ellis Avenue, Fountain Valley, California, and on the Sanitation District's website at www.ocsd.com 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 AUDIO: An audio recording of this meeting is available within 24 hours after adjournment of the meeting. Please contact the Clerk of the Board's office at (714) 593-7433 to request the audio file.

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: Jim Herberg, jherberg@ocsan.gov / (714) 593-7300
Asst. General Manager: Lorenzo Tyner, lttyner@ocsan.gov / (714) 593-7550
Asst. General Manager: Rob Thompson, rthompson@ocsan.gov / (714) 593-7310
Director of Human Resources: Celia Chandler, cchandler@ocsan.gov / (714) 593-7202
Director of Engineering: Kathy Millea, kmillea@ocsan.gov / (714) 593-7365
Director of Environmental Services: Lan Wiborg, lwiborg@ocsan.gov / (714) 593-7450

CALL TO ORDER

Board Chairman John Withers

INVOCATION AND PLEDGE OF ALLEGIANCE

Jesus Silva (City of Fullerton)

ROLL CALL AND DECLARATION OF QUORUM

Clerk of the Board

PUBLIC COMMENTS:

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SPECIAL PRESENTATIONS:

1. EMPLOYEE SERVICE AWARDS

[2021-1789](#)

Recognize the following:

25-year Service Award

Brian Bingman - Engineering Supervisor, Division 770

Originator: Kelly Lore

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 Board of Directors, after one motion, without discussion. Any items withdrawn from the Consent Calendar for separate discussion will be considered in the regular order of business.

2. APPROVAL OF MINUTES [2021-1788](#)**RECOMMENDATION:**

Approve Minutes of the Regular Meeting of the Board of Directors held July 28, 2021.

Originator: Kelly Lore

Attachments: [Agenda Report](#)
[07-28-2021 Board Meeting Minutes](#)

3. CORRECTIONS TO THE 2021-2022 BUDGET - ERRATA INFORMATION [2021-1811](#)**RECOMMENDATION:**

Approve the incorporation of adjustments and corrections into the 2021-22 Fiscal Year Budget.

Attachments: [Agenda Report](#)
[Errata Sheet for FY 2021-22 Budget Update](#)

RECEIVE AND FILE:**4. COMMITTEE MEETING MINUTES [2021-1547](#)**

RECOMMENDATION: Receive and file the following:

- A. Minutes of the GWRS Steering Committee Meeting held April 12, 2021.
- B. Minutes of the Steering Committee Meeting held June 23, 2021.

Originator: Kelly Lore

Attachments: [Agenda Report](#)
[04-12-2021 GWRS Steering Committee Minutes](#)
[06-23-2021 Steering Committee Minutes](#)

5. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF JULY 2021 [2021-1697](#)

RECOMMENDATION: Receive and file the following:

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

Originator: Lorenzo Tyner

Attachments: [Agenda Report](#)
[Investment Transactions for the Month of July 2021](#)

6. 2021 ORANGE COUNTY SANITATION DISTRICT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES PERMIT NO. CA0110604, ORDER R8-2021-0010) [2021-1795](#)

RECOMMENDATION:

Receive and file the U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Permit No. CA0110604 and Santa Ana Regional Water Quality Control Board Waste Discharge Requirements Order No. R8-2021-0010.

Originator: Lan Wiborg

Attachments: [Agenda Report](#)
[NPDES Permit No. CA0110604](#)
[Waste Discharge Requirements Order No. R8-2021-0010](#)

PUBLIC HEARING

7. COLLECTION OF SEWER SERVICE CHARGES VIA THE TAX ROLL [2021-1708](#)

RECOMMENDATION:

A. Conduct a public hearing to receive input on a report filed with the Clerk of the Board entitled: "Sewer Service Charges for Collection on Tax Rolls for Fiscal Year 2021-22":

1. Open the Public Hearing
2. Receive staff report and recommendations
3. Report of written communications by Clerk of the Board
4. Public Comment
5. Close Public Hearing
6. Discussion by Board of Directors;

B. Unless there is a majority protest, adopt the report, which has the assessor's parcel numbers and amount of charges for collection on the tax rolls;

C. Adopt Resolution No. OC SAN 21-13 entitled "A Resolution of the Board of Directors of the Orange County Sanitation District adopting the Report proposing to collect Sewer Service Fees on the Tax Roll for Fiscal Year 2021/2022";

D. Authorize execution of the "Certification of Assessment";

E. Direct staff to file a certified copy of the adopted Resolution, Report, and the Certification of Assessment with the County Auditor-Controller; and

- F. Direct staff to coordinate collection of sanitary sewer service charges on the general Orange County tax rolls with the County Auditor-Controller, Assessor, and Tax Collector.

Originator: Lorenzo Tyner

Attachments: [Agenda Report](#)
[Resolution No. OC SAN 21-13 Tax Roll](#)
[Prop 218 Certification of Assessment](#)

OPERATIONS COMMITTEE:

None.

ADMINISTRATION COMMITTEE:

None.

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

None.

STEERING COMMITTEE:

- 8. **GENERAL MANAGER’S FISCAL YEAR 2021-22 WORK PLAN** [2021-1816](#)

RECOMMENDATION:

Approve the General Manager’s Fiscal Year 2021-22 Work Plan.

Originator: Jim Herberg

Attachments: [Agenda Report](#)
[FY 2020-21 GM Work Plan](#)
[2019 Strategic Plan](#)

- 9. **BAY BRIDGE PUMP STATION FORCE MAIN ISOLATION VALVE REPLACEMENT, PROJECT NO. FRC-0013** [2021-1819](#)

RECOMMENDATION:

- A. Ratify Approval of an Emergency Repair Service Contract to Charles King Company for Bay Bridge Pump Station Force Main Isolation Valve Replacement, Project No. FRC-0013, for an amount not to exceed \$289,585; and

- B. Approve a contingency of \$144,793 (50%).

Originator: Kathy Millea

Attachments: [Agenda Report](#)
[FRC-0013 Service Contract Exhibit A](#)
[Presentation - Bay Bridge Valve Replacement](#)

**10. BAY BRIDGE PUMP STATION VALVE REPLACEMENT, PROJECT NO. [2021-1820](#)
FRC-0002**

RECOMMENDATION:

Approve a contingency increase of \$269,100 (45%) to the service contract with Innovative Construction Solutions for Bay Bridge Pump Station Valve Replacement, Project No. FRC-0002, Specification No. S-2020-1192BD, for a total contingency of \$328,900 (55%).

Originator: Kathy Millea

Attachments: [Agenda Report](#)
[Presentation - Bay Bridge Valve Replacement](#)

NON-CONSENT:

**11. TREASURER'S REPORT FOR THE FOURTH QUARTER ENDED JUNE [2021-1703](#)
30, 2021**

RECOMMENDATION:

Receive and file the Orange County Sanitation District Fourth Quarter Treasurer's Report for the period ended June 30, 2021.

Originator: Lorenzo Tyner

Attachments: [Agenda Report](#)
[Fourth Quarter Treasurer's Report for the Period Ended June 30, 2021](#)

12. GENERAL MANAGER'S COMPENSATION AND BENEFITS [2021-1815](#)

RECOMMENDATION:

Approve a performance-based non-base building lump sum merit payment of 2.5% for the General Manager based on Fiscal Year 2020/2021 job performance, as authorized in Resolution No. OCSD 19-12.

Originator: Celia Chandler

- Attachments:** [Agenda Report](#)
[Resolution No. OCSD 19-12](#)
[General Manager Salary Schedules \(FY 2019-20 to FY 2021-22\)](#)
[At-Will Employment Agreement, James D. Herberg \(eff. 7/1/19\)](#)

INFORMATION ITEMS:

- 13. 2020-21 FISCAL YEAR BUDGET - FINANCIAL CLOSING UPDATE [2021-1813](#)**

RECOMMENDATION:

Information Item.

Originator: Lorenzo Tyner

- Attachments:** [Agenda Report](#)

- 14. ORANGE COUNTY SANITATION DISTRICT LEVELS OF SERVICE [2021-1799](#)**

RECOMMENDATION:

Information Only.

Originator: Jim Herberg

- Attachments:** [Agenda Report](#)
[Presentation - Levels of Service](#)

AB 1234 DISCLOSURE REPORTS:

This item allows Board members to provide a brief oral report regarding the disclosure of outside committees, conferences, training, seminars, etc. attended at the Agency’s expense, per Government Code §53232.3(d).

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 ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) [2021-1817](#)

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 1

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

Attachments: [Agenda Report](#)
[CS-1 Board Memo re Eminent Domain Litigation](#)

CS-2 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(1) [2021-1818](#)

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 1

Bayside Village Marina, LLC v. Orange County Sanitation District; Orange County Sanitation District Board of Directors; and Does 1-25, Inclusive, Superior Court of the State of California for the County of Orange - Central Justice Center Case No. 30-2021-01194238-CU-WM-CXC.

Attachments: [Agenda Report](#)
[CS-2 Board Memo re Bayside Village Marina Litigation](#)

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 Special Meeting of the Board of Directors on September 29, 2021 at 6:00 p.m.