

**ORANGE COUNTY SANITATION DISTRICT  
BOARD OF DIRECTORS**

**AND**

**ORANGE COUNTY SANITATION DISTRICT  
FINANCING CORPORATION  
BOARD OF DIRECTORS**

**MINUTES**

**MAY 26, 2021**



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

**CALL TO ORDER**

A regular meeting of the Board of Directors of the Orange County Sanitation District was called to order by Board Chairman David Shawver on May 26, 2021 at 6:00 p.m. in the Administration Building. Director Art Brown led the Pledge of Allegiance. Chair Shawver announced that the meeting was being held telephonically and via audio/video teleconferencing in accordance with the Governor's Executive Order No. N-29-20, due to the Coronavirus Pandemic (COVID-19). Chair Shawver announced the meeting guidelines.

**ROLL CALL AND DECLARATION OF QUORUM**

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

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

**ABSENT:** None

**STAFF MEMBERS PRESENT:** Kelly Lore, Clerk of the Board, and Joshua Martinez were present in the Board Room. General Manager Jim Herberg, Assistant General Manager Lorenzo Tyner, Assistant General Manager Rob Thompson, Director of Engineering Kathy Millea, Director of Environmental Services Lan Wiborg, Director of Human Resources Celia Chandler, Jennifer Cabral, Tanya Chong, Daisy Covarrubias, Raul Cuellar, Brian Engeln, Tina Knapp, and Wally Ritchie participated telephonically.

**OTHERS PRESENT:** Brad Hogin (General Counsel) was present in the Board Room.

**PUBLIC COMMENTS:**

Clerk of the Board Kelly Lore read 19 public comments into the record in regard to Item No. 24. Ms. Lore also stated that she received late communication from General Manager Herberg that Closed Session Item No. CS-1 would not be heard this evening.

**SPECIAL PRESENTATIONS:**

None.

**REPORTS:**

Chair Shawver reported on the Strategic Plan update on tonight's agenda. He also reminded the Board Members that they would be receiving their talking points for use at their agencies.

General Manager Herberg provided information regarding an incident on the 405 freeway where a contractor working on new construction broke a clay pipe. Mr. Herberg declared an emergency to allow for the urgent repairs.

### **ELECTIONS:**

1. **NOMINATIONS FOR CHAIRPERSON AND VICE CHAIRPERSON OF THE ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS** [2021-1472](#)

**Originator:** Kelly Lore

General Counsel Brad Hogin provided instructions and facilitated the nomination and election process.

Mr. Hogin opened nominations for Chairperson and Vice-Chairperson of the Board of Directors (Election to be held at the regular June Board Meeting unless only one candidate is nominated). One nomination was received for each office. A motion to close nominations was received.

With no further nominations, John Withers was deemed elected as Chairman of the Board of Directors and Chad Wanke was deemed elected as Vice-Chairman of the Board of Directors for the 2021/22 term.

- A. Open nominations for Chairperson of the Board of Directors. (Election to be held at the regular June Board of Directors meeting unless only one candidate is nominated.)
- B. Open nominations for Vice Chairperson of the Board of Directors. (Election to be held at the regular June Board of Directors meeting unless only one candidate is nominated.)

*Director Hernandez appeared away for the remainder of the meeting.*

### **CONSENT CALENDAR:**

2. **APPROVAL OF MINUTES** [2021-1601](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Special Meeting of the Board of Directors held April 21, 2021 and the Regular Meeting of the Board of Directors held April 28, 2021.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**RECEIVE AND FILE:****3. COMMITTEE MEETING MINUTES [2021-1544](#)**

**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the Steering Committee Meeting held March 24, 2021
- B. Minutes of the Operations Committee Meeting held April 7, 2021
- C. Minutes of the Legislative and Public Affairs Committee Meeting held April 12, 2021
- D. Minutes of the Administration Committee Meeting held April 14, 2021

**4. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF APRIL 2021 [2021-1594](#)**

**Originator:** Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

**OPERATIONS COMMITTEE:****5. REGIONAL ODOR AND CORROSION CONTROL SERVICES (ROCCS) PROGRAM, SPECIFICATION NO. C-2017-899BD CONTINGENCY INCREASE [2021-1631](#)**

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a unit price contingency increase of \$0.74/gallon to the calcium nitrate contract with US Peroxide, LLC dba USP Technologies for the Regional Odor and Corrosion Control Services, Specification No. C-2017-899BD (PO 106291-OB), for July 1, 2021 through June 30, 2022, for a new total amount of \$3.21/gal; for a total estimated usage of \$1,071,339; and
- B. Approve Amendment No. 2 to the contract with Hill Brothers Chemical Company for Regional Odor and Corrosion Control Services, Specification No. C-2017-899BD (PO 106264-OB), for the period beginning July 1, 2021 through June 30, 2022, to approve an additional application service rate of \$80/site per day, a field service rate of \$80/site per day, and a flat surcharge delivery fee of \$400 for small truck deliveries (under 2,500 gallons) for low dosage sites of ferrous chloride only, including but not limited to Crystal Cove Pump Station and Tiffany Lift Station.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

6. **LIQUID FERRIC CHLORIDE SPECIFICATION NO. C-2019-1037BD** [2021-1632](#)  
**CONTINGENCY INCREASE**

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a unit price contingency of \$78.70 per dry ton (13.18%) which is a \$19 per dry ton (3.18%) contingency increase to the liquid Ferric Chloride Agreement with Pencco, Inc., Specification No. C-2019-1037BD, for the period beginning July 1, 2021 through June 30, 2022. New dry ton unit cost not to exceed \$675.70 per dry ton. New contract estimated total is \$2,027,100 plus applicable sales tax.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**7. ENGINEERING PROGRAM CONTRACT PERFORMANCE REPORT [2021-1633](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Engineering Program Contract Performance Report for the period ending March 31, 2021.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**8. ORANGE-WESTERN SUB-TRUNK AND LOS ALAMITOS TRUNK SEWER REHABILITATION, CONTRACT NOS. 3-64A AND 3-64B [2021-1634](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Construction Services Agreement with AECOM Technical Services, Inc. to provide construction support services for Orange-Western Sub-Trunk and Los Alamitos Trunk Sewer Rehabilitation, Contract Nos. 3-64A and 3-64B for a total amount not to exceed \$610,000; and

B. Approve a contingency of \$61,000 (10%).

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**9. ORANGE-WESTERN SUB-TRUNK AND LOS ALAMITOS TRUNK SEWER REHABILITATION, CONTRACT NOS. 3-64A AND 3-64B [2021-1635](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a Cooperative Reimbursement Agreement between the Orange County Sanitation District and the City of Cypress for Pavement Slurry Seal Construction in conjunction with the Orange-Western Sub-Trunk and Los Alamitos Trunk Sewer Rehabilitation, Contract Nos. 3-64A and 3-64B, for an amount not to exceed \$83,000.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**10. ORANGE-WESTERN SUB-TRUNK AND LOS ALAMITOS TRUNK SEWER REHABILITATION, CONTRACT NOS. 3-64A AND 3-64B** [2021-1643](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Orange-Western Sub-Trunk and Los Alamitos Trunk Sewer Rehabilitation, Contract Nos. 3-64A and 3-64B;
- B. Award a Construction Contract to Steve P. Rados, Inc. for Orange-Western Sub-Trunk and Los Alamitos Trunk Sewer Rehabilitation, Contract Nos. 3-64A and 3-64B, for a total amount not to exceed \$17,775,000; and
- C. Approve a construction contract contingency of \$1,777,500 (10%).

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**11. CONTROL CENTER OFFICES AND DAY TRAINING ROOM REMODELING AT PLANT NO. 1, PROJECT NO. FR1-0007** [2021-1636](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and File Bid Tabulation and Recommendation for Control Center Offices and Day Training Room Remodeling at Plant No. 1, Project No. FR1-0007;
- B. Award a Construction Contract to Thomas Solar Energy for Control Center Offices and Day Training Room Remodeling at Plant No. 1, Project No. FR1-0007, for an amount not to exceed \$256,790; and
- C. Approve a contingency of \$25,679 (10%).

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**12. MACARTHUR FORCE MAIN IMPROVEMENTS, PROJECT NO. 7-68 [2021-1637](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Design Services Agreement with Michael Baker International, Inc. to provide engineering services for MacArthur Force Main Improvements, Project No. 7-68, for an amount not to exceed \$500,000; and
- B. Approve a contingency of \$50,000 (10%).

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**13. ANNUAL PROFESSIONAL DESIGN SERVICES AGREEMENTS, [2021-1638](#)  
CONTRACT NO. FE21-00-XX**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve Annual Professional Design Services Agreements (PDSA) 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 Professional Design Services Agreement; and

	<b><u>FIRM</u></b>	<b><u>CONTRACT NO.</u></b>
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

- B. Approve two additional one-year optional extensions for each PDSA.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

14. **NEWHOPE-PLACENTIA TRUNK REPLACEMENT, SEGMENT B AND SEGMENT C, CONTRACT NOS. 2-72B AND 2-72C** [2021-1639](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve the First Amendment to Agreement between the Orange County Sanitation District and the City of Anaheim for Construction of Water Facilities in Conjunction with the State College Boulevard Sewer Project, which increases by \$513,439 the maximum reimbursement by the City of Anaheim to a new total of \$1,813,439.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**15. HEADQUARTERS COMPLEX AT PLANT NO. 1, CONTRACT NO. [2021-1640](#)  
P1-128A**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Construction Services Agreement with HDR Engineering, Inc. to provide construction support services for Headquarters Complex at Plant No. 1, Contract No. P1-128A, for an amount not to exceed \$4,900,000; and

B. Approve a contingency of \$490,000 (10%).

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**16. A-SIDE PRIMARY CLARIFIERS REPLACEMENT AT PLANT NO. 2, [2021-1641](#)  
CONTRACT NO. P2-98A**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for A-Side Primary Clarifiers Replacement at Plant No. 2, Project No. P2-98A;
- B. Award a Construction Contract to PCL Construction, Inc. for A-Side Primary Clarifiers Replacement at Plant No. 2, Contract No. P2-98A, for an amount not to exceed \$111,405,880; and
- C. Approve a contingency of \$6,684,353 (6%).

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**17. A-SIDE PRIMARY CLARIFIERS REPLACEMENT AT PLANT NO. 2, [2021-1642](#)  
CONTRACT NO. P2-98A**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Construction Services Agreement with Black & Veatch Corporation to provide construction support services for A-Side Primary Clarifiers Replacement at Plant No. 2, Contract No. P2-98A, for an amount not to exceed \$8,400,000; and
- B. Approve a contingency of \$840,000 (10%)

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**ADMINISTRATION COMMITTEE:**

**18. CONSOLIDATED FINANCIAL REPORT FOR THE THIRD QUARTER ENDED MARCH 31, 2021 [2021-1661](#)**

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District Third Quarter Financial Report for the period ended March 31, 2021.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**19. RECORDS MANAGEMENT PROGRAM UPDATE**

[2021-1663](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 21-08 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Adopting the Records Management Program Procedures and Records Retention Schedule, Authorizing Destruction of Obsolete Records, and Repealing Resolution No. OCSD 20-10".

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**20. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST**

[2021-1662](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Orange County Sanitation District purchases made under the General Manager's authority for the period of January 1, 2021 to March 31, 2021; and
- B. Approve the following additions to the pre-approved OEM Sole Source List for the period of January 1, 2021 to March 31, 2021:
- ALTRONIC - CenGen Engine Ignition Subsystem Components
  - CECO FYBROC - Pumps and Parts
  - FLUKE ELECTRONICS CORPORATION / PRUFTECHNIK - Rotalign Touch Laser Shaft Alignment System
  - KURZ INSTRUMENTS - Gas Flow Meters
  - METTLER TOLEDO, LLC - Truck Loading Scale Controller Replacement
  - SDT ULTRASOUND SOLUTIONS - SDT Ultrasound Instruments, Hardware, and Software
  - SWAGELOK - Parts, Tools, and Service

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

21. **WASTEWATER REFUNDING REVENUE OBLIGATIONS, SERIES [2021-1664](#)**  
**2021A**

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Adopt Resolution No. OC SAN 21-09 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District authorizing the execution and delivery by the District of an Installment Purchase Agreement, a Trust Agreement, a Continuing Disclosure Agreement and Escrow Agreements in connection with the Orange County Sanitation District Wastewater Refunding Revenue Obligations, Series 2021A, authorizing the execution and delivery of such Revenue Obligations evidencing principal in an aggregate amount of not to exceed \$163,775,000, approving a Notice of Intention to Sell, authorizing the distribution of an Official Notice Inviting Bids and an Official Statement in connection with the offering and sale of such Revenue Obligations and authorizing the execution of necessary documents and related actions"; and
- B. That the Orange County Sanitation District Financing Corporation approve the documents supporting and authorizing the Revenue Obligations in an aggregate amount not to exceed \$163,775,000.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

#### **LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**

**22. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF APRIL 2021** [2021-1648](#)

**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the month of April 2021.

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

**NOES:** Rose Espinoza

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**23. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF APRIL 2021**[2021-1649](#)**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the month of April 2021.

**AYES:** Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and John O'Neill (Alternate)**NOES:** Rose Espinoza**ABSENT:** Johnathan Ryan Hernandez**ABSTENTIONS:** None**STEERING COMMITTEE:****24. HEADQUARTERS COMPLEX AT PLANT NO. 1, PROJECT NO. P1-128A**[2021-1676](#)**Originator:** Kathy Millea

Director of Engineering Kathy Millea provided additional information in regard to the bidding and qualification of the bidders. Ms. Millea responded to comments from the Board Members and the Board asked that an item be added to a future agenda to review and address local hiring preference/project labor agreements.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Headquarters Complex at Plant No 1, Project No. P1-128A;
- B. Award a Construction Contract to Swinerton Builders for Headquarters Complex at Plant No 1, Project No. P1-128A, for an amount not to exceed \$102,544,974; and
- C. Approve a contingency of \$5,127,249 (5%).

**AYES:** Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and John O'Neill (Alternate)**NOES:** Rose Espinoza and Andrew Nguyen

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

Chair Shawver recessed the OC San Board of Directors Meeting at 6:25 p.m.

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**ORANGE COUNTY SANITATION DISTRICT FINANCING CORPORATION****CALL TO ORDER**

Chair Shawver called the Board of Directors, Orange County Sanitation District Financing Corporation meeting to order at 6:26 p.m.

**ROLL CALL AND DECLARATION OF QUORUM**

Kelly Lore, Secretary of the Financing Corporation, declared a quorum present as follows:

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

**ABSENT:** Johnathan Ryan Hernandez

Ms. Lore announced that the members of the Orange County Sanitation District Board of Directors are each being compensated \$212.50 for the Board of Directors Meeting; there is no additional compensation for the Financing Corporation Meeting.

**APPROVAL OF MINUTES:****FC-1 APPROVAL OF MINUTES - ORANGE COUNTY SANITATION DISTRICT FINANCING CORPORATION**[2021-1611](#)

**Originator:** Kelly Lore

WITHOUT OBJECTION, ACTION TAKEN TO:

Approve Minutes of the Regular Meeting of the Orange County Sanitation District Financing Corporation held June 24, 2020.

**AYES:** Brad Avery, Art Brown, Doug Chaffee, Marshall Goodman, Brooke Jones, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke and John Withers

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** Stacy Berry, Kim Carr, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Patrick Harper, Anthony Kuo, Kim Nichols, Chad Zimmerman and John O'Neill (Alternate)

**NON-CONSENT****FC-2 WASTEWATER REFUNDING REVENUE OBLIGATIONS, SERIES 2021A**[2021-1612](#)

**Originator:** Lorenzo Tyner

Assistant General Manager Lorenzo Tyner provided a verbal overview of this item.

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. FC-28 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Financing Corporation authorizing the execution and delivery by the Corporation of an Installment Purchase Agreement and a Trust Agreement in connection with the Orange County Sanitation District Wastewater Refunding Revenue Obligations, Series 2021A, authorizing the execution and delivery of such Revenue Obligations evidencing principal in an aggregate amount of not to exceed \$163,775,000 and authorizing the execution of necessary documents and related actions."

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

Chair Shawver adjourned the meeting of the Board of Directors, Orange County Sanitation District Financing Corporation at 6:30 p.m.

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Chair Shawver reconvened the Orange County Sanitation District Board of Directors meeting at 6:31 p.m.

**NON-CONSENT:**

**25. PROPOSED ADOPTION OF ORDINANCE NO. OC SAN-55 UPDATING [2021-1622](#)  
ELECTRONIC REQUIREMENTS FOR THE PRESENTATION OF  
CLAIMS OR DEMANDS FOR PAYMENT**

**Originator:** Lorenzo Tyner

Mr. Tyner provided a brief update on this item.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Second Reading of Ordinance No. OC SAN-55, entitled: "An Ordinance of the Board of Directors of the Orange County Sanitation District Establishing Requirements for the Presentation of Claims or Demands for Payment; and Repealing Ordinance No. OCSD-17";
- B. Motion to read Ordinance No. OC SAN-55 by title only and waive reading of said entire Ordinance;
- C. Direct the Clerk of the Board to publish summaries of the Ordinance as required by law.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**26. PROPOSED ADOPTION OF ORDINANCE NO. OC SAN-56 UPDATING [2021-1623](#)  
THE PURCHASING ORDINANCE**

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Second Reading of Ordinance No. OC SAN-56, 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-52";
- B. Motion to read Ordinance No. OC SAN-56 by title only and waive reading of said entire Ordinance;
- C. Direct the Clerk of the Board to publish summaries of the Ordinance as required by law.

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

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez

**ABSTENTIONS:** None

**INFORMATION ITEMS:**

**27. STRATEGIC PLAN WORKSHOP - RECAP**

[2021-1616](#)

**Originator:** Jim Herberg

Board Vice-Chair John Withers provided the Strategic Plan recap.

ITEM RECEIVED FOR:

Information Only.

**AB 1234 DISCLOSURE REPORTS:**

None.

**CLOSED SESSION:**

**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8, 54957(a) & 54956.9(d)(1):**

The Board convened in closed session at 7:30 p.m. to discuss two items. Item CS-1 was not heard. 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 REAL PROPERTY NEGOTIATORS -  
GOVERNMENT CODE SECTION 54956.8**[2021-1677](#)

**Originator:** Lorenzo Tyner

ITEM NOT HEARD.

Property: 1516 W. Balboa Blvd., Newport Beach, CA; APN No. 047-222-10

Agency negotiators: General Manager, Jim Herberg; Assistant General Manager, Lorenzo Tyner; Assistant General Manager, Rob Thompson; and Director of Engineering, Kathy Millea.

Negotiating parties: City of Newport Beach

Under negotiation: Price and terms of payment

**CS-2 THREAT TO PUBLIC SERVICES OR FACILITIES (GOVERNMENT  
CODE SECTION 54957 (a))**[2021-1679](#)

**Originator:** Lorenzo Tyner

CONVENED IN CLOSED SESSION:

Consultation with the Information Technology Systems & Operations Manager regarding cyber security.

**CS-3 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION -  
GOVERNMENT CODE SECTION 54956.9(d)(1)**[2021-1678](#)

**Originator:** Kelly Lore

CONVENED IN CLOSED SESSION:

Number of Cases: 1

Jose O. Cruz v. Orange County Sanitation District Financing Corporation, a California corporation; and Does 1-50, inclusive, Superior Court of California, County of Orange, Case No. 30-2019-01100180-CU-WT-CJC.

**RECONVENED IN REGULAR SESSION.**

The Board reconvened in regular session at 7:55 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:**

At 7:56 p.m., Chair Shawver adjourned the meeting until the Regular Meeting of the Board of Directors to be held on June 23, 2021 at 6:00 p.m.

Submitted by:



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Kelly A. Lore, MMC  
Clerk of the Board