



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

Governor Newsom signed Assembly Bill (AB) 361 on September 16, 2021, which, in part, addresses the conduct of public meetings in light of the continued State of Emergency order.

Effective October 1, 2021, AB 361 suspends the requirements located in California Government Code, Section 54953, Subdivision (b), Paragraph (3) specifically pertaining to the conduct of public meetings. As such, the Orange County Sanitation District (OC San) Board of Directors has determined that due to the size of OC San'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. OC San offers several ways in which to interact during meetings. You will find information as to these opportunities below.

#### **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: 246 190 404#

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.**

## **VIEW THE MEETING ONLINE ONLY**

The meeting will be available for online viewing only at:

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

## **HOW TO SUBMIT A COMMENT**

You may provide verbal comment in real time during the meeting. In order to provide a verbal comment, please raise your hand as described above or alert the Clerk of the Board before or during the public comment period.

You may also 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](mailto: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.

## **TECHNICAL SUPPORT PRIOR TO AND DURING MEETINGS**

For technical assistance before and during the meeting, please call 714-593-7431. For any other questions and/or concerns, please contact the Clerk of the Board's office at 714-593-7433. Thank you, in advance, for your patience in working with these technologies. We appreciate your interest in OC San!

October 21, 2021

**NOTICE OF MEETING**

**BOARD OF DIRECTORS  
ORANGE COUNTY SANITATION DISTRICT**

**Wednesday, October 27, 2021 – 6:00 P.M.**

**ACCESSIBILITY FOR THE GENERAL PUBLIC**

**Your participation is always welcome. Specific information as to how to participate in this meeting is detailed in the Special Notice attached to this agenda. In general, OC San offers several ways in which to interact during meetings: you may 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 Board of Directors of the Orange County Sanitation District will be held in the manner indicated above on Wednesday, October 27, 2021 at 6:00 p.m.



\_\_\_\_\_  
Clerk of the Board

**Upcoming Meetings:**

**Steering Committee -  
Board Meeting -**

**Wednesday, November 17, 2021 at 5:00 p.m.  
Wednesday, November 17, 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, October 27, 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.ocsan.gov](http://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 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](mailto: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](mailto:jherberg@ocsan.gov) / (714) 593-7300  
Asst. General Manager: Lorenzo Tyner, [lttyner@ocsan.gov](mailto:lttyner@ocsan.gov) / (714) 593-7550  
Asst. General Manager: Rob Thompson, [rthompson@ocsan.gov](mailto:rthompson@ocsan.gov) / (714) 593-7310  
Director of Human Resources: Celia Chandler, [cchandler@ocsan.gov](mailto:cchandler@ocsan.gov) / (714) 593-7202  
Director of Engineering: Kathy Millea, [kmillea@ocsan.gov](mailto:kmillea@ocsan.gov) / (714) 593-7365  
Director of Environmental Services: Lan Wiborg, [lwiborg@ocsan.gov](mailto:lwiborg@ocsan.gov) / (714) 593-7450

**CALL TO ORDER**

Board Chairman John Withers

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Kim Carr (Huntington Beach)

**ROLL CALL (Clerk of the Board)**

Clerk of the Board

**PUBLIC COMMENTS:**

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**SPECIAL PRESENTATIONS:**

**1. EMPLOYEE SERVICE AWARDS**

**[2021-1892](#)**

**20-year Service Awards**

George Crawford    Senior Mechanic    Division 870  
Luis Kawile         Machinist             Division 870

**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 [2021-1893](#)****RECOMMENDATION:**

Approve Minutes of the Board of Directors Special Meetings held September 29, 2021 and October 6, 2021.

**Originator:** Kelly Lore

**Attachments:** [Agenda Report](#)  
[09-29-2021 Board Special Meeting Minutes](#)  
[10-06-2021 Board Special Meeting Minutes](#)

**RECEIVE AND FILE:****3. COMMITTEE MEETING MINUTES [2021-1549](#)**

**RECOMMENDATION:** Receive and file the following:

- A. Minutes of the GWRS Steering Committee Meeting held July 12, 2021
- B. Minutes of the Steering Committee Meeting held August 25, 2021
- C. Minutes of the Operations Committee Meeting held September 1, 2021
- D. Minutes of the Administration Committee Meeting held September 8, 2021

**Originator:** Kelly Lore

**Attachments:** [Agenda Report](#)  
[07-12-2021 GWRS Steering Committee Meeting Minutes](#)  
[08-25-2021 Steering Committee Minutes](#)  
[09-01-2021 Operations Committee Minutes](#)  
[09-08-2021 Administration Committee Minutes](#)

**4. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF SEPTEMBER 2021 [2021-1699](#)**

**RECOMMENDATION:** Receive and file the following:

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

**Originator:** Lorenzo Tyner

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

5. **ORANGE COUNTY SANITATION DISTRICT ANNUAL REPORT - [2021-1888](#)**  
**FISCAL YEAR 2020-2021**

RECOMMENDATION:

Receive and file the Orange County Sanitation District Annual Report for Fiscal Year 2020-2021.

**Originator:** Jim Herberg

**Attachments:** [Agenda Report](#)  
[2020-2021 Annual Report](#)

OPERATIONS COMMITTEE:

6. **PLANT NO. 1 BUILDING A FEEDER CABLES REPLACEMENT [2021-1894](#)**  
**(MP-337)**

RECOMMENDATION:

A. Approve a Service Contract to AMTEK Construction for P1 Building A Feeder Cables Replacement (MP-337), for 480V feeder cables, per Specification No. S-2021-1261BD, for a total amount not to exceed \$356,333; and

B. Approve a contingency of \$35,633 (10%).

**Originator:** Rob Thompson

**Attachments:** [Agenda Report](#)  
[S-2021-1261BD Final Contract](#)

7. **SUNFLOWER PUMP REPLACEMENT AT PLANT NO. 1, PROJECT NO. [2021-1895](#)**  
**FE19-04**

RECOMMENDATION:

A. Receive and file Bid Tabulation and Recommendation for Sunflower Pump Replacement at Plant No. 1, Project No. FE 19-04;

B. Award a Construction Contract to GSE Construction Company Inc. for Sunflower Pump Replacement at Plant No. 1, Project No. FE19-04, for a total amount not to exceed \$2,123,200; and

C. Approve a contingency of \$212,320 (10%).

**Originator:** Kathy Millea

**Attachments:** [Agenda Report](#)  
[FE19-04 Contract Agreement & Exhibit A \(Schedule of Prices\)](#)  
[Presentation - FE19-04 Sunflower Pump Replacement](#)

8. **NEWHOPE-PLACENTIA TRUNK REPLACEMENT, SEGMENT B, PROJECT NO. 2-72B** [2021-1896](#)

RECOMMENDATION:

Approve a contingency increase of \$1,164,840 (2%) to the Construction Contract with Group OHL USA, Inc. for Newhope-Placentia Trunk Sewer Replacement, Project Nos. 2-72B and 2-72C, for a total construction contingency of \$6,989,040 (12%).

**Originator:** Kathy Millea

**Attachments:** [Agenda Report](#)  
[Presentation - 2-72B Contingency](#)

ADMINISTRATION COMMITTEE:

9. **MAXIMO MOBILE SOLUTION FOR WAREHOUSE** [2021-1913](#)

RECOMMENDATION:

A. Approve a Professional Services Agreement to Total Resource Management, Inc. to provide a Maximo Mobile Solution, Specification No. CS-2021-1257BD, for a total amount not to exceed \$174,722; and

B. Approve a contingency of \$26,208 (15%).

**Originator:** Lorenzo Tyner

**Attachments:** [Agenda Report](#)  
[CS-2021-1257BD Agreement](#)  
[InterPro Solutions Software Agreement](#)

10. **RENEWAL OF ESRI GIS ENTERPRISE LICENSE AGREEMENT SUBSCRIPTION AND SUPPORT** [2021-1914](#)

RECOMMENDATION:

A. Approve Amendment No. 2 of Agreement 334620 with Environmental Systems Research Institute, Inc. for the renewal of the Sole Source GIS Enterprise License Agreement, for a three-year period commencing December 31, 2021 through December 30, 2024, for a total amount not to exceed \$382,000; and

B. Approve a not to exceed contingency of \$19,100 (5%).

**Originator:** Lorenzo Tyner

**Attachments:** [Agenda Report](#)  
[ESRI Amendment No. 2](#)



**11. WASTEWATER REFUNDING REVENUE OBLIGATIONS, SERIES [2021-1915](#)  
2022A****RECOMMENDATION:**

Authorize the General Manager to issue new fixed rate Certificates of Participation, to be referred to as Wastewater Refunding Revenue Obligations, in an amount sufficient to refund (1) up to \$100,645,000 of Wastewater Refunding Revenue Obligations, Series 2012A and (2) up to \$6,670,000 of Wastewater Refunding Revenue Obligations, Series 2012B.

**Originator:** Lorenzo Tyner

**Attachments:** [Agenda Report](#)  
[Presentation - Debt Program Update](#)  
[Presentation - Refunding Revenue Obligations](#)

**LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**

None.

**STEERING COMMITTEE:****12. LABOR RELATIONS - CHIEF NEGOTIATOR AGREEMENT [2021-1928](#)****RECOMMENDATION:**

Authorize the Board Chair to execute an agreement with Liebert Cassidy Whitmore, for Laura Drottz Kalty to serve as the external Chief Negotiator for labor contract negotiations and related items, for an amount not to exceed \$150,000.

**Originator:** Celia Chandler

**Attachments:** [Agenda Report](#)  
[Liebert Cassidy Whitmore Agreement](#)

**13. SUCCESSION MANAGEMENT - EXECUTIVE MANAGEMENT TEAM [2021-1929](#)****RECOMMENDATION:**

Authorize recruitment and selection for the vacant Director of Operations and Maintenance position.

**Originator:** Jim Herberg

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

**NON-CONSENT:****14. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS [2021-1898](#)****RECOMMENDATION:**

Adopt Resolution No. OC SAN 21-15 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".

**Originator:** Lorenzo Tyner

**Attachments:** [Agenda Report](#)  
[Resolution No. OC SAN 21-15](#)

**INFORMATION ITEMS:**

None.

**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 LABOR NEGOTIATORS - GOVERNMENT CODE [2021-1930](#)  
SECTION 54957.6**

**RECOMMENDATION:** Convene in Closed Session:

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

Employee Organizations: International Union of Operating Engineers Local 501, Orange County Employees Association, Supervisory and Professional Management Group, and unrepresented: Confidential, Managers, and Executive Managers.

**Attachments:** [Agenda Report](#)  
[CS-1 General Counsel Memo re Labor Negotiations Board 10-27-2021](#)

**CS-2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS - [2021-1931](#)**  
**GOVERNMENT CODE SECTION 54956.8**

RECOMMENDATION: Convene in Closed Session:

Property: 7292 Slater Avenue Huntington Beach, CA - APN No. 110-010-39

Agency negotiators: General Manager Jim Herberg, Assistant General Manager Lorenzo Tyner, and Assistant General Manager Rob Thompson

Negotiating parties: Northington Huntington Beach Investors LLC

Under negotiation: Price and terms of payment

**Attachments:** [Agenda Report](#)  
[CS-2 General Counsel Memo re Real Property Board 10-27-21](#)

**CS-3 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2021-1932](#)**  
**GOVERNMENT CODE SECTION 54956.9(d)(1)**

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 3

- A. Gilbert Barela v. Orange County Sanitation District; Steve Thornburg; Roy Reynolds; and Does 1-100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01220927-CU-WT-CJC.
- B. Heidi M. Janz v. Orange County Sanitation District; Its Board of Directors, Officers, Officials, Agents and Celia Chandler, Director of Human Resources and Does 1 through 10, Superior Court of California, County of Orange, Case No. 30-2021-01208616-CU-OE-CJC.
- C. Raul Palazuelos v. Orange County Sanitation District, a government entity; Richard Kwiecien, an individual; and Does 1 through 100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01217839-CU-OE-CJC.

**Attachments:** [Agenda Report](#)  
[CS-3A General Counsel Memo re Barela Litigation Board 10-27-21](#)  
[CS-3B General Counsel Memo re Janz Litigation Board 10-27-21](#)  
[CS-3C General Counsel Memo re Palazuelos Litigation Board 10-27-21](#)

**CS-4 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) [2021-1933](#)**

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 1

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

**Attachments:** [Agenda Report](#)  
[CS-4 General Counsel Memo re Eminent Domain Litigation Board 10-27-21](#)

**CS-5 CONFERENCE WITH REAL PROPERTY NEGOTIATORS - GOVERNMENT CODE SECTION 54956.8 [2021-1934](#)**

RECOMMENDATION: Convene in Closed Session:

Property: Portions of 300 East Coast Highway, Newport Beach, CA; APN No. 440-132-60.

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

Negotiating parties: Bayside Village Marina, LLC

Under negotiation: Price and terms of payment

**Attachments:** [Agenda Report](#)  
[CS-5 General Counsel Memo re Real Property Board 10-27-21](#)

**CS-6 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATION OF LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2) [2021-1937](#)**

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 1

Significant exposure to litigation regarding Notices of Violation from South Coast Air Quality Management District.

**Attachments:** [Agenda Report](#)  
[CS-6 General Counsel Memo re Notices of Violation from SCAQMD Board 10-27-21](#)

**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 Board meeting until the Regular Meeting of the Board of Directors on November 17, 2021 at 6:00 p.m.