



## **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: 646 441 868#

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!

January 19, 2023

**NOTICE OF REGULAR MEETING**

BOARD OF DIRECTORS  
ORANGE COUNTY SANITATION DISTRICT

**Wednesday, January 25, 2023 – 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 at the above location and in the manner indicated on Wednesday, January 25, 2023 at 6:00 p.m.

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

- 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, January 25, 2023 - 6:00 PM**  
**Board Room**  
**Administration Building**  
**10844 Ellis Avenue**  
**Fountain Valley, CA 92708**  
**(714) 593-7433**

**ACCOMMODATIONS FOR THE DISABLED:** If you require any special disability related accommodations, please contact the Orange County Sanitation District (OC San) Clerk of the Board's office at (714) 593-7433 at least 72 hours prior to the scheduled meeting. Requests must specify the nature of the disability and the type of accommodation requested.

**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 OC San's Administration Building located at 10844 Ellis Avenue, Fountain Valley, California, and on the OC San'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 at <https://ocsd.legistar.com/Calendar.aspx> or by contacting the Clerk of the Board at (714) 593-7433.

**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, [ltyner@ocsan.gov](mailto:ltyner@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  
Director of Operations & Maintenance: Riaz Moinuddin, [rmoinuddin@ocsan.gov](mailto:rmoinuddin@ocsan.gov) / (714) 593-7269

**CALL TO ORDER**

Board Chairman Chad Wanke

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Director Christine Marick (City of Brea)

**ROLL CALL AND DECLARATION OF QUORUM**

Clerk of the Board

**1. APPOINTMENTS TO THE ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS [2023-2708](#)**

**RECOMMENDATION:**

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

| <b>Agency</b>      | <b>Director</b>  | <b>Alternate Director</b> |
|--------------------|------------------|---------------------------|
| City of Brea       | Christine Marick | Cecilia Hupp              |
| City of Buena Park | Susan Sonne      | Art Brown                 |
| City of Tustin     | Ryan Gallagher   | Austin Lumbard            |

**Originator:** Kelly Lore

**PUBLIC COMMENTS:**

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*You may 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".*

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**SPECIAL PRESENTATIONS:****2. EMPLOYEE SERVICE AWARDS**[2023-2701](#)**30-year Service Award**

Vanh Phonsiri, Scientist - Division 630

**20-year Service Awards**

Hardat Khublall, Sr. Engineer - Division 750

Brandon Yokoyama, Environmental Technician - Division 630

**Originator:** Kelly Lore**3. RECOGNITION OF GENERAL MANAGER JAMES D. HERBERG**[2023-2709](#)

Recognize James D. Herberg for his contributions and dedication to public service as General Manager of the Orange County Sanitation District on his retirement.

**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.*

**4. APPROVAL OF MINUTES**[2023-2702](#)**RECOMMENDATION:**

Approve Minutes of the Special Board of Directors Meeting held December 15, 2022 and the Special Board of Directors Meeting held January 11, 2023.

**Originator:** Kelly Lore**Attachments:** [Agenda Report](#)  
[12-15-2022 Special Board Meeting Minutes](#)  
[01-11-2023 Special Board Meeting Minutes](#)**5. RESOLUTION NO. OC SAN 23-02 COMMENDING GENERAL MANAGER JAMES D. HERBERG**[2023-2710](#)**RECOMMENDATION:**

Adopt Resolution No. OC SAN 23-02, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District commending James D. Herberg for his outstanding contributions and dedication to public service as General Manager of the Orange County Sanitation District".

**Originator:** Kelly Lore

**Attachments:** [Agenda Report](#)  
[Resolution No. OC SAN 23-02 \(Herberg\)](#)

**6. OPERATIONS AND MAINTENANCE FACILITY IMPROVEMENTS AT PLANT NO. 2, PROJECT NO. P2-138 [2023-2705](#)**

RECOMMENDATION:

A. Approve a Revised Professional Design Services Agreement with Stantec Architecture Inc. to provide engineering services for Operations and Maintenance Facility Improvements at Plant No. 2, Project No. P2-138, for an amount not to exceed \$7,914,529; and

B. Approve a contingency of \$791,453 (10%).

**Originator:** Kathy Millea

**Attachments:** [Agenda Report](#)  
[P2-138 Revised PDSA Agreement](#)  
[P2-138 PDSA Attachment A1 - Scope of Work](#)  
[P2-138 PDSA Attachment A2 - Scope of Work](#)  
[12-15-2022 Agenda Report](#)

RECEIVE AND FILE:

**7. COMMITTEE MEETING MINUTES [2023-2721](#)**

RECOMMENDATION: Receive and file the following:

A. Minutes of the Administration Committee Meeting held November 9, 2022

B. Minutes of the Steering Committee Meeting held November 16, 2022

**Originator:** Kelly Lore

**Attachments:** [Agenda Report](#)  
[11-09-2022 Administration Committee Minutes.pdf](#)  
[11-16-2022 Steering Committee Minutes.pdf](#)

**8. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF DECEMBER 2022 [2023-2714](#)**

RECOMMENDATION: Receive and file the following:

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

**Originator:** Lorenzo Tyner

**Attachments:** [Agenda Report](#)  
[Report of the Investment Transactions - December 2022](#)

**OPERATIONS COMMITTEE:**

None.

**ADMINISTRATION COMMITTEE:**

None.

**STEERING COMMITTEE:**

9. **PUBLIC AFFAIRS UPDATE FOR THE MONTHS OF NOVEMBER & DECEMBER 2022 AND JANUARY 2023** [2023-2750](#)

**RECOMMENDATION:**

Receive and file the Public Affairs Update for the months of November & December 2022 and January 2023.

**Originator:** Jim Herberg

**Attachments:** [Agenda Report](#)  
[Outreach Report Nov-Dec 2022 and Jan 2023](#)

10. **LEGISLATIVE AFFAIRS UPDATE FOR THE MONTHS OF NOVEMBER & DECEMBER 2022 AND JANUARY 2023** [2023-2751](#)

**RECOMMENDATION:**

Receive and file the Legislative Affairs Update for the months of November & December 2022 and January 2023.

**Originator:** Jim Herberg

**Attachments:** [Agenda Report](#)  
[Federal Legislative Update](#)  
[State Legislative Update](#)  
[Grant Tracker 2023](#)

11. **GENERAL MANAGER’S FY 2022-2023 WORK PLAN MID-YEAR UPDATE** [2023-2752](#)

**RECOMMENDATION:**

Receive and file the General Manager’s FY 2022-2023 Work Plan Mid-Year Update.

**Originator:** Jim Herberg



**Attachments:** [Agenda Report](#)  
[GM's FY 2022-2023 Work Plan Mid-Year Update](#)

**12. DEFERRED COMPENSATION PLAN 457(b) ON BEHALF OF ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS [2023-2753](#)**

RECOMMENDATION:

Adopt Resolution No. OC SAN 23-03 entitled: "A Resolution of the Board of Directors of Orange County Sanitation District (OC San), approving payment by OC San to OC San's 457(b) Deferred Compensation Plan ("457 Plan") on behalf of OC San's Director-Employees in lieu of Contributions Pursuant to the Federal Insurance Contributions Act ("FICA"), as mandated by the Federal Omnibus Budget Reconciliation Act of 1990 ("OBRA"); and Repealing Resolution No. OCSD 98-4".

**Originator:** Lorenzo Tyner

**Attachments:** [Agenda Report](#)  
[OCSD 98-04 Redlined](#)  
[Resolution No. OC SAN 23-03](#)

**13. DEFERRED PAYMENT AGREEMENT REQUEST FOR CHARGES AND FEES OWED BY NOR-CAL BEVERAGE CO., INC. INDUSTRIAL WASTEWATER DISCHARGE PERMITTEE [2023-2754](#)**

RECOMMENDATION:

Approve the request for a deferred payment agreement for charges owed for user fees with Nor-Cal Beverage Co., Inc. in the amount of \$986,149.55.

**Originator:** Lorenzo Tyner

**Attachments:** [Agenda Report](#)  
[Nor-Cal Beverage Deferred Payment Agreement 2023](#)  
[Appendix A Nor-Cal Beverage](#)

**NON-CONSENT:**

**14. APPOINTMENT OF ROBERT C. THOMPSON TO THE POSITION OF GENERAL MANAGER, APPROVAL OF AN AT-WILL EMPLOYMENT AGREEMENT ON BEHALF OF THE BOARD OF DIRECTORS WITH GENERAL MANAGER ROBERT C. THOMPSON, AND AUTHORIZATION OF THE BOARD CHAIRMAN TO EXECUTE THE AT-WILL EMPLOYMENT AGREEMENT [2023-2755](#)**

RECOMMENDATION:

A. Adopt Resolution No. OC SAN 23-04, entitled "A Resolution of the Board of Directors Appointing Robert C. Thompson to the Position of General Manager"

for the Orange County Sanitation District and Authorizing the Chair of the Board of Directors to Enter into an At-Will Employment Agreement Effective February 10, 2023”;

- B. Approve the At-Will Agreement, attached hereto, with Mr. Thompson specifying terms and conditions of employment for General Manager services beginning February 10, 2023; and
- C. Authorize the Board Chairman to execute the At-Will Employment Agreement, attached hereto.

**Originator:** Celia Chandler

**Attachments:** [Agenda Report](#)  
[General Manager At-Will Agreement 2023 Thompson](#)  
[Resolution OC SAN 23-04 GM Appointment](#)  
[GM Salary Schedule \(Current\)](#)

**15. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS [2023-2707](#)**

RECOMMENDATION:

Adopt Resolution No. OC SAN 23-05 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:** Kelly Lore

**Attachments:** [Agenda Report](#)  
[Resolution No. OC SAN 23-05](#)

**16. CONTROL CENTER OFFICES & DAY TRAINING ROOM REMODELING [2023-2718](#)  
AT PLANT NO. 1 PROJECT NO. FR1-0007**

RECOMMENDATION:

Receive, file, and deny the claim submitted by Counsel for Thomas Solar Energy dated December 15, 2022 for Control Center Offices & Day Training Room Remodeling at Plant No. 1, Project No. FR1-0007.

**Originator:** Lorenzo Tyner

**Attachments:** [Agenda Report](#)  
[Thomas Solar Energy Claim](#)  
[FR1-0007 A - Contract Agreement \(Non-OCIP\)](#)

**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 LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4)**[2023-2756](#)

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 1

Potential initiation of litigation regarding Miller-Holder Easement.

**Attachments:** [Agenda Report](#)  
[GC Memo re Miller-Holder Board 1-25-23](#)

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2)**[2023-2757](#)

RECOMMENDATION: Convene in Closed Session:

Number of Potential Cases: 1

Claim received from Matt Cortez Law, PC for Thomas Nguyen of Thomas Solar Energy re OC San Project No. FR1-0007 Control Center Offices & Day Training Room Remodeling at Plant No. 1.

**Attachments:** [Agenda Report](#)  
[GC Memo re Thomas Solar Energy Board 1-25-23](#)

**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 Special Meeting of the Board of Directors on February 15, 2023 at 3:00 p.m. for Board Orientation.