

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: 223 940 539#

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 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!

November 9, 2022

NOTICE OF REGULAR MEETING

BOARD OF DIRECTORS ORANGE COUNTY SANITATION DISTRICT

Wednesday, November 16, 2022 - 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, November 16, 2022 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, November 16, 2022 - 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 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 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, ltyner@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
Director of Operations & Maintenance: Riaz Moinuddin, rmoinuddin@ocsan.gov / (714) 593-7269

CALL TO ORDER

Board Chairman Chad Wanke

INVOCATION AND PLEDGE OF ALLEGIANCE

Director Andrew Nguyen (Midway City Sanitary District)

ROLL CALL AND DECLARATION OF QUORUM

Clerk of the Board

PUBLIC COMMENTS:

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SPECIAL PRESENTATIONS:

1. EMPLOYEE SERVICE AWARDS

2022-2608

30-year Service Award

Jim Herberg, General Manager - Division 110

20-year Service Awards

Kurt Rathert, Plant Operator - Division 840 James Arthur, Power Plant Operator II - 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. PROPOSED BOARD OF DIRECTORS & COMMITTEE MEETING DATES FOR CALENDAR YEAR 2023

2022-2453

RECOMMENDATION:

Approve the calendar of meeting dates for the 2023 calendar year for the Board of Directors and the following Committees: Administration, Legislative and Public Affairs, Operations, and Steering.

Originator: Kelly Lore

Attachments: Agenda Report

Draft Condensed Calendar 2023

3. APPROVAL OF MINUTES

2022-2609

RECOMMENDATION:

Approve Minutes of the Regular Board of Directors Meeting held October 26, 2022.

Originator: Kelly Lore

Attachments: Agenda Report

10-26-2022 Board Meeting Minutes

RECEIVE AND FILE:

4. COMMITTEE MEETING MINUTES

2022-2066

RECOMMENDATION: Receive and file the following:

A. Minutes of the Steering Committee Meeting held September 28, 2022

B. Minutes of the Operations Committee Meeting held October 5, 2022

Originator: Kelly Lore

Attachments: Agenda Report

<u>09-28-2022 Steering Committee Minutes</u> 10-05-2022 Operations Committee Minutes 5. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF OCTOBER 2022

2022-2388

RECOMMENDATION: Receive and file the following:

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

Originator: Lorenzo Tyner

Attachments: Agenda Report

Report of Investment Transactions - October 2022

OPERATIONS COMMITTEE:

6. SONAR INSPECTION OF LARGE-DIAMETER SEWERS AND SIPHONS 2022-2621
RECOMMENDATION:

- A. Approve a General Services Contract to Pipe and Plant Solutions, Inc. to provide Sonar Inspection Services, Specification No. S-2022-1327, for a total amount not to exceed \$344,949; and
- B. Approve a contingency of \$34,495 (10%).

Originator: Riaz Moinuddin

Attachments: Agenda Report

General Services Contract

7. PURCHASE OF SODIUM HYPOCHLORITE (BLEACH SOLUTION) FOR 2022-2622
ODOR CONTROL AND PLANT WATER DISINFECTION IN THE
TREATMENT PLANTS

RECOMMENDATION:

- A. Approve a Chemical Supplier Agreement to Olin Corporation dba Olin Chlor Alkali Products and Vinyls for the purchase of Sodium Hypochlorite (Bleach), Specification No. C-2022-1346BD, for the period beginning December 1, 2022 through May 31, 2023 for a unit price of \$1.728 per gallon delivered, plus applicable sales and excise tax, for a total estimated cost of \$632,708;
- B. Approve the option to renew the Chemical Supplier Agreement over a five-year period, expiring November 30, 2027, with renewal terms not to exceed a 12-month term; and
- C. Approve renewal adjustments of unit pricing with a not to exceed unit price of \$2.16/gallon (25%).

Originator: Riaz Moinuddin

Attachments: Agenda Report

Chemical Supplier Agreement C-2022-1346BD

8. CONSTRUCTION OUTREACH SUPPORT SERVICES

2022-2623

RECOMMENDATION:

- A. Approve a Professional Consultant Services Agreement with Katz & Associates, Inc. to provide Construction Outreach Support Services, Specification No. CS-2022-1329BD, for a total amount not to exceed \$450,000 for a three-year term;
- B. Approve a contingency of \$45,000 (10%) for the first three-year term;
- C. Approve two (2) one-year optional renewals for an annual amount not to exceed \$150,000 per year; and
- D. Approve an annual contingency of \$15,000 (10%) for each optional year.

Originator: Kathy Millea

Attachments: Agenda Report

Professional Consultant Services Agreement

9. REPLACEMENT OF GAS FLARE PIPING AT PLANT NO. 2

2022-2624

RECOMMENDATION:

- A. Approve a Purchase Order to Vicon Enterprise, Inc. for replacement of digester gas piping to three gas flares at Plant No. 2, Specification No. S-2022-1365BD, for a total amount not to exceed \$ 285,000; and
- B. Approve a contingency of \$28,500 (10%).

Originator: Riaz Moinuddin

Attachments: Agenda Report

10. CENGEN COOLING WATER PIPE REPLACEMENT AT PLANT NO. 2, <u>2022-2625</u> PROJECT NO. FE20-04

RECOMMENDATION:

A. Receive and file Bid Tabulation and Recommendation for Cengen Cooling Water Pipe Replacement at Plant No. 2, Project No. FE20-04;

- B. Award a Construction Contract to Innovative Construction Solutions, Inc. for Cengen Cooling Water Pipe Replacement at Plant No. 2, Project No. FE20-04, for a total amount not to exceed \$3,487,600; and
- C. Approve a contingency of \$348,760 (10%).

Originator: Kathy Millea

Attachments: Agenda Report

FE20-04 Construction Contract Agreement Presentation - FE20-04 Construction Award

11. SEAL BEACH PUMP STATION REPLACEMENT, PROJECT NO. 3-67

2022-2626

RECOMMENDATION:

- A. Approve a project budget increase of \$13,000,000 for Seal Beach Pump Station Replacement, Project No. 3-67, for a new total project budget of \$100,000,000; and
- B. Approve a contingency increase of \$155,183 (2.6%) to the existing Professional Design Services Agreement with Lee & Ro, Inc. for Seal Beach Pump Station Replacement, Project No. 3-67, for a new total contingency amount of \$749,968 (12.6%).

Originator: Kathy Millea

Attachments: Agenda Report

Presentation - Seal Beach Pump Station Replacement 3-67

ADMINISTRATION COMMITTEE:

12. CONSOLIDATED FINANCIAL REPORT FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2022

2022-2627

RECOMMENDATION:

Receive and file the Orange County Sanitation District First Quarter Financial Report for the period ended September 30, 2022.

Originator: Lorenzo Tyner

Attachments: Agenda Report

Consolidated Financial Report for the First Quarter Ended

9/30/2022

13. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO 2022-2628 THE PRE-APPROVED OEM SOLE SOURCE LIST

RECOMMENDATION:

- A. Receive and file Orange County Sanitation District purchases made under the General Manager's authority for the period of July 1, 2022 to September 30, 2022; and
- B. Approve the following additions to the pre-approved OEM Sole Source List:
 - BEAMEX Maintenance and Support for CMX Calibration Software and CMX Business Bridge Software
 - FORD HALL COMPANY INC. Weir Wolf/Algae Sweep Automation Cleaning Equipment Parts and Service
 - MIDWAY MANUFACTURING & MACHINE Custom Brackets & Fittings for Vehicles / Electric Carts and Portable Equipment
 - VAPEX ENVIRONMENTAL TECHNOLOGIES SENTINEL Scrubber Monitor/Controller Products

Originator: Lorenzo Tyner

Attachments: Agenda Report

14. COOPERATIVE PROCUREMENT AGREEMENTS

2022-2629

RECOMMENDATION:

Authorize the purchasing of information technology products, services, and solutions utilizing Cooperative Procurement Agreements (CPA) such as, but not limited to, OMNIA Partners Public Sector (formerly U.S. Communities), NASPO ValuePoint, and U.S. General Services Administration GSA Schedule 70/ GSA Multiple Award Schedule (MAS) for the period January 1, 2023 through December 31, 2023 for a total amount not to exceed \$2,000,000, in accordance with Ordinance No. OCSD-56, Section 2.03(B) Cooperative Purchases, with two (2) one-year renewal options.

Originator: Lorenzo Tyner

Attachments: Agenda Report

15. EMISSION REDUCTION CREDITS BROKER SOLICITATION

2022-2630

RECOMMENDATION:

Approve the solicitation for an Emission Reduction Credits (ERCs) brokerage firm to identify and secure a buyer(s) for the sale of surplus Reactive Organic Gases (ROG) ERCs at the best available value and to handle all market evaluations of ERCs, negotiations, and financial transactions with all appropriate parties.

Originator: Lan Wiborg

Attachments: Agenda Report

Presentation - Emission Reduction Credits

16. ORANGE COUNTY SANITATION DISTRICT ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE YEAR END JUNE 30, 2022

2022-2631

RECOMMENDATION:

Receive and file the Orange County Sanitation District's (OC San) Annual Comprehensive Financial Report (ACFR) for the year ended June 30, 2022, prepared by staff and audited by Davis Farr, Certified Public Accountants, along with the following reports prepared by Davis Farr:

- 1. Report to the Board of Directors;
- 2. Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets; and
- Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards.

Originator: Lorenzo Tyner

Attachments: Agenda Report

Report to the Board of Directors

Independent Accountant's Report on Applying Agreed-Upon
Procedures Related to Appropriations Limit Calculation
Report on Internal Control Over Financial Reporting

Annual Comprehensive Financial Report for the Year Ended

6/30/2022

Presentation - Annual Comprehensive Financial Report

Presentation - Davis Farr

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

17. PUBLIC AFFAIRS UPDATE FOR THE MONTHS OF SEPTEMBER AND 2022-2633 OCTOBER 2022

RECOMMENDATION:

Receive and File the Public Affairs Update for the months of September and October 2022.

Originator: Jim Herberg

Attachments: Agenda Report

Outreach and Media Report Summary September-October

The OC San Connection - Fall 2022 Issue

Presentation - PAO Update

18. DRAFT 2023 LEGISLATIVE AND REGULATORY PLAN

2022-2634

RECOMMENDATION:

Approve the Orange County Sanitation District 2023 Legislative and Regulatory Plan.

Originator: Jim Herberg

Attachments: Agenda Report

2023 Legislative & Regulatory Plan

Presentation - Legislative and Regulatory Plan

19. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTHS OF SEPTEMBER 2022-2635 AND OCTOBER 2022

RECOMMENDATION:

Receive and file the Legislative Affairs Update for the months of September and October 2022.

Originator: Jim Herberg

Attachments: Agenda Report

Federal Update - ENS Resources

Federal Legislative Martrix - ENS Resources

<u>Presentation - ENS Legislative Update</u> Inflation Reduction Act Summary

State Update - Townsend Public Affairs

State Legislative Matrix - Townsend Public Affairs

Presentation - TPA Legislative Update

Grant Matrix

STEERING COMMITTEE:

None.

NON-CONSENT:

20. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS

2022-2612

RECOMMENDATION:

Adopt Resolution No. OC SAN 22-35 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: Jim Herberg

Attachments: Agenda Report

Resolution No. OC SAN 22-35

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 EXISTING LITIGATION - 2022-2632 GOVERNMENT CODE SECTION 54956.9(d)(1)

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 2

- A. 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.
- B. Orange County Sanitation District, a public entity v. Bayside Village Marina, LLC, a limited liability company; Laguna Beach County Water District, a public entity; and Does 1-100, inclusive; and all Persons Unknown Claiming an Interest in the Property, Superior Court of California, County of Orange, Case No. 30-2022-01251890.

Attachments: Agenda Report

CS-1A GC Memo re Bayside Village CEQA Existing Litigation

Board 11-16-22

CS-1B GC Memo re Bayside Village Eminent Domain Existing

Litigation Board 11-16-22

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 Thursday, December 15, 2022 at 6:00 p.m.