

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

OCTOBER 25, 2023



**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 Chad Wanke on Wednesday, October 25, 2023 at 6:00 p.m. in the Administration Building of the Orange County Sanitation District. Alternate Director Emily Hibard delivered the invocation and led the Pledge of Allegiance.

ROLL CALL AND DECLARATION OF QUORUM

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

PRESENT: Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)

ABSENT: Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers

STAFF PRESENT: Rob Thompson, General Manager; Lorenzo Tyner, Assistant General Manager; Michael Dorman, Director of Engineering; Laura Maravilla, Director of Human Resources; Riaz Moinuddin, Director of Operations and Maintenance; Wally Ritchie, Director of Finance; Lan Wiborg, Director of Environmental Services; Kelly Lore, Clerk of the Board; Jennifer Cabral; Mortimer Caparas; Jackie Castro; and Perla Rodriguez were present in the Board Room. John Frattali and Thomas Vu were in attendance telephonically.

OTHERS PRESENT: Brad Hogin, General Counsel, and Rod Coppege, Special Counsel, were present in the Board Room.

PUBLIC COMMENTS:

Clerk of the Board Kelly Lore read an eComment received regarding the Supercritical Water Oxidation Project.

SPECIAL PRESENTATIONS:**1. EMPLOYEE SERVICE AWARDS**[2023-3271](#)

Originator: Kelly Lore

Chair Wanke recognized:

20-year Service Award

Stefanie Ruiz, Administrative Assistant - Division 820

REPORTS:

Chair Wanke reminded the Directors that they would receive their talking points regarding OC San activities tomorrow.

Chair Wanke reported the recent progress on the proposed Strategic Plan where feedback from the Board was requested. Chair Wanke requested one addition to the plan regarding an item to hire a local lobbyist to the Organizational Advocacy and Outreach Policy initiative. He stated the lobbyist could assist in advancing strategic initiatives as identified within the Strategic Plan.

Chair Wanke reminded the Board members that the annual State of OC San would be held on Friday, October 27 at 11 a.m. at Mile Square Golf Course.

Chair Wanke stated that on November 1, the General Legal Services Ad Hoc Committee would hold its first meeting. The Committee was organized to review the current legal services contract, the policy and process surrounding the contract, and to potentially go out to bid for general legal services. He stated the Committee would provide any recommendations to the Steering Committee and Board of Directors.

Chair Wanke stated that the November Steering and Board of Directors meetings will be held one week earlier, on November 15, due to the Thanksgiving holiday.

General Manager Rob Thompson provided a report on the October 4 Day at the Dock Tour. Directors Faessel, Sustarsic, and Whitaker met the OC San ocean monitoring team, toured OC San's ocean monitoring vessel - Nerissa, and heard presentations from staff on Nerissa's equipment and OC San's role in protecting the marine environment.

Mr. Thompson stated that correspondence was sent out by Director of Operations & Maintenance Riaz Moinuddin to OC San's member agencies asking for coordination on the encroachment permit process for our collections maintenance work. He stated that OC San would work with the individual agencies to better understand the requirements and timelines of each agency.

Mr. Thompson reported on the expanded Pretreatment Honor Roll Program and described the process of applying and notifying the successful businesses who would receive a window decal, be referenced in a press release, and celebrated at the State of OC San.

Mr. Thompson also stated that, as a requirement of OC San's NPDES permit, a list of approximately 30 permittees with significant non-compliance due to discharge violations would be published in the Orange County Register. He stated that OC San notified the companies to provide new data or information that could result in modifications.

Mr. Thompson provided a report on his recent activities and presentations to: Singapore Public Utilities Board on the Supercritical Water Oxidation project, World Water-Tech North America seminar on Tackling Drought and Water Scarcity, WACO meeting to discuss the Supercritical Water Oxidation Pilot Project, and the WateReuse Conference followed by the One Water Summit in Arizona.

Mr. Thompson reported that the last of the insurance payments was received regarding the \$4.2 million CenGen claim.

CONSENT CALENDAR:

2. APPROVAL OF MINUTES

[2023-3189](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve minutes of the Regular meeting of the Board of Directors held September 27, 2023.

AYES: Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)

NOES: None

ABSENT: Brad Avery, Jon Dumitru, Marshall Goodman, Johnathan Ryan Hernandez, Farrah Khan and John Withers

ABSTENTIONS: None

RECEIVE AND FILE:

3. COMMITTEE MEETING MINUTES

[2023-2730](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the GWRS Steering Committee Meeting held July 10, 2023
- B. Minutes of the Steering Committee Meeting held August 23, 2023
- C. Minutes of the Operations Committee Meeting held September 6, 2023
- D. Minutes of the Administration Committee Meeting held September 13, 2023

4. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF SEPTEMBER 2023

[2023-3114](#)

Originator: Wally Ritchie

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

Report of the Investment Transactions for the month of September 2023.

Director Johnathan Ryan Hernandez arrived at the meeting at 6:13 p.m.

OPERATIONS COMMITTEE:**5. REHABILITATION OF WESTERN REGIONAL SEWERS, PROJECT [2023-3259](#)
NO. 3-64**

Originator: Mike Dorman

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve an agreement with the Golden State Water Company for the relocation of their water line in coordination with the Rehabilitation of Western Regional Sewers, Project No. 3-64;
- B. Approve an additional deposit in the amount of \$280,198, for a total deposit amount of \$282,698; and
- C. Approve a contingency of \$28,270 (10%).

AYES: Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)

NOES: None

ABSENT: Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers

ABSTENTIONS: None

**6. NORTH SCRUBBER COMPLEX GRATING REPLACEMENT AT [2023-3260](#)
PLANT NO. 2**

Originator: Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Service Contract to Innovative Construction Solutions to provide North Scrubber Complex Grating Replacement, Specification No. S-2023-1419BD, for a total amount not to exceed \$315,000; and
- B. Approve a contingency of \$31,500 (10%).

AYES: Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)

NOES: None

ABSENT: Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers

ABSTENTIONS: None

**7. SUNFLOWER AND RED HILL INTERCEPTOR REPAIRS, PROJECT [2023-3261](#)
NO. 7-66**

Originator: Mike Dorman

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a project budget increase of \$150,000 for Sunflower and Red Hill Interceptor Repairs, Project No. 7-66, for a new total project budget of \$6,750,000; and
- B. Approve a contingency increase of \$50,000 (1%) to the existing Construction Contract to Charles King Company for Sunflower and Red Hill Interceptor Repairs, Project No. 7-66, for a new total contingency amount of \$527,700 (11%).

AYES: Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)

NOES: None

ABSENT: Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers

ABSTENTIONS: None

**8. ACTIVATED SLUDGE AERATION BASIN REHABILITATION AT [2023-3262](#)
PLANT NO. 2, PROJECT NO. P2-136**

Originator: Mike Dorman

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Design Services Agreement with Carollo Engineers, Inc. to provide engineering services for Activated Sludge Aeration Basin Rehabilitation at Plant No. 2, Project No. P2-136, for an amount not to exceed \$5,891,599; and
- B. Approve a contingency of \$589,160 (10%).

- AYES:** Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)
- NOES:** None
- ABSENT:** Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers
- ABSTENTIONS:** None

ADMINISTRATION COMMITTEE:

9. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST [2023-3269](#)

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 July 1, 2023 to September 30, 2023; and
- B. Approve the following additions to the pre-approved OEM Sole Source List:
 - ORANGE COUNTY MUFFLER - Bumper Mounted Tire Recovery System
 - MH3 CORPORATION - Unique Odor Assessment Services
 - AVIVA ENERGY CORP. - Energy Advisory Consulting Services
 - OIL SAFE - Oil Safe Pump and Filtration Systems

- AYES:** Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)
- NOES:** None
- ABSENT:** Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers
- ABSTENTIONS:** None

10. ORANGE COUNTY OPERATIONAL AREA AGREEMENT [2023-3270](#)

Originator: Laura Maravilla

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve the updated Orange County Operational Area Agreement; and
- B. Adopt Resolution No. OC SAN 23-20 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Approving and Adopting the 2020 Orange County Operational Area Agreement of the County of Orange and Political Subdivisions; and Repealing Resolution No. OCSD 95-115".

AYES: Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)

NOES: None

ABSENT: Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers

ABSTENTIONS: None

STEERING COMMITTEE:

11. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF SEPTEMBER 2023 [2023-3281](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the month of September 2023.

AYES: Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)

NOES: None

ABSENT: Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers

ABSTENTIONS: None

12. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF SEPTEMBER 2023 [2023-3282](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the month of September 2023.

AYES: Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)

NOES: None

ABSENT: Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers

ABSTENTIONS: None

13. PROFESSIONAL CONSULTANT SERVICES AGREEMENTS FOR HUMAN RESOURCES LEGAL SERVICES [2023-3283](#)

Originator: Laura Maravilla

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Professional Consultant Services Agreements with Liebert Cassidy Whitmore and Payne & Fears LLP for Human Resources Legal Services, Specification No. CS-2023-1412BD, for the period beginning November 1, 2023 through October 31, 2026 with two (2) optional one-year renewals.

AYES: Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)

NOES: None

ABSENT: Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers

ABSTENTIONS: None

NON-CONSENT:

14. PAYMENT AGREEMENT FOR CAPITAL FACILITIES CAPACITY CHARGES FOR LEGADO AT THE MET LLC [2023-3251](#)

Originator: Wally Ritchie

Director of Finance Wally Ritchie provided an introduction to the item.

MOVED, SECONDED, AND DULY CARRIED TO:

Approve the Deferred Payment Agreement for Capital Facility Capacity Charges (CFCC) with Legado at the MET LLC in the amount of \$941,486.38.

AYES: Pat Burns, Doug Chaffee, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, Bruce Whitaker and Emily Hibard (Alternate)

NOES: None

ABSENT: Brad Avery, Jon Dumitru, Marshall Goodman, Farrah Khan and John Withers

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Stephen Faessel reported on his attendance at the recent ISDOC meeting; and Director David Shawver provided a report on his attendance at the monthly OCCOG meeting.

CLOSED SESSION:

CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(4) & 54956.9(D)(1).

The Board convened in closed session at 6:21 p.m. 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 LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) [2023-3285](#)

CONVENED IN CLOSED SESSION:

Initiation of Litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9.

Number of Potential Cases: 1

Recovery of sales tax paid to the California Department of Tax and Fee Administration.

CS-2 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(1) [2023-3286](#)

CONVENED IN CLOSED SESSION:

Number of Cases: 1

Richard Chappell Workers' Compensation Claim, Workers Compensation Appeals Board, Case No. ADJ14219168

RECONVENED IN REGULAR SESSION.

The Board reconvened in regular session at 6:43 p.m.

CONSIDERATION OF ACTION, IF ANY, ON MATTERS CONSIDERED IN CLOSED SESSION:

General Counsel Brad Hogin stated that the Board of Directors unanimously approved new agreements in regard to tax refunds for chemical purchases.

OTHER BUSINESS AND COMMUNICATIONS OR SUPPLEMENTAL AGENDA ITEMS, IF ANY:

None.

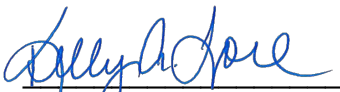
BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 6:44 p.m., Chair Wanke adjourned the meeting until the Special Meeting of the Board of Directors on October 27, 2023 at 11:00 a.m.

Submitted by:



Kelly A. Lore, MMC
Clerk of the Board