

**ORANGE COUNTY SANITATION DISTRICT**

**MINUTES**

**BOARD OF DIRECTORS**

**AUGUST 23, 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 Vice-Chairman Ryan Gallagher on Wednesday, August 23, 2023 at 6:05 p.m. in the Administration Building of the Orange County Sanitation District. Director Farrah Khan 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:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**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; Mo Abiodun; Jennifer Cabral; Tanya Chong; Raul Cuellar; Thys DeVries; Al Garcia; Tina Knapp; and Ruth Zintzun were present in the Board Room. Martin Dix and Beck Gass were in attendance telephonically.

**OTHERS PRESENT:** Brad Hugin, General Counsel; Lindsay Caro and Gary Weisberg, Woodruff & Smart, Associate Counsel; Jeffrey Smith, Special Counsel; and Irene McCormack, Communications Consultant, Katz & Associates were present in the Board Room. Alternate Director Art Perry was present telephonically.

**PUBLIC COMMENTS:**

None.

Clerk of the Board Kelly Lore requested that Item Nos. 14 & 15 be pulled and heard separately.

**SPECIAL PRESENTATIONS:****1. COMMENDATIONS TO OUTGOING BOARD MEMBERS**

[2023-3156](#)

**Originator:** Kelly Lore  
Vice-Chair Gallagher presented a Commendation to outgoing Board Member Steve Jones, City of Garden Grove.

**REPORTS:**

Vice-Chair Gallagher provided an update to the Strategic Planning process which recently concluded with the review of the existing policies and initiatives, and updates from staff on the Levels of Service, Core Values, and Risk Register. He stated that a draft plan will be presented to the Board in September, with the final plan presented to in November for adoption.

Vice-Chair Gallagher stated that the Directors would receive talking points regarding OC San activities to assist while reporting out to their councils, boards, and community groups.

Vice-Chair Gallagher reminded the Directors of the upcoming *Nerissa* tours including Rig Fishing being held on September 14; and a Day at the Dock on October 4.

Vice-Chair Gallagher reported that the annual State of OC San will be held in person on October 27 with a lunchtime event beginning at 11 a.m. at Mile Square Golf Course Clubhouse. The Directors were provided the Save the Date and a form requesting the names of any guests they would like to invite.

General Manager Rob Thompson stated that earlier in the month he attended the California Association of Sanitation Agencies annual conference and stated he would be attending the California Special Districts Association conference in Monterey next week. He also reported upcoming tours for the Grand Jury and the United States Bureau of Reclamation.

Mr. Thompson also announced that the 2023 Capital Project Award from CASA was awarded to OC San and OCWD for the Final Completion of the Groundwater Replenishment System. OC San also won the 2023 Achievement of Excellence in Procurement Award from the National Procurement Institute.

Mr. Thompson also announced that OC San staff member Larry Andresen was selected as Operator of the Year for Plant No. 1 and Tim Tran was selected as Operator of the Year for Plant No. 2. Larry Andresen was selected and will be nominated as the Operator of the Year at the regional and state level for the California Water Environment Association.

Mr. Thompson reported that OC San weathered the recent storm well, with no major issues in either Plants or the Collection system. On Sunday, Plant No. 1 had an instantaneous peak of 172 million gallons a day (MGD) (approximately 20 MGD above normal) and Plant No. 2 had an instantaneous peak of 158 (approximately 80 MGD above normal).

Mr. Thompson called upon Director of Engineering Mike Dorman who introduced the newest Engineering Manager, Martin Dix.

Mr. Thompson introduced General Counsel Brad Hogin who provided an update in the Bayside Village Marina, LLC v. Orange County Sanitation District CEQA lawsuit which challenged the Environmental Impact Report (EIR) for the critical project needed to replace a

pump station. Mr. Hogin stated that last Fall the presiding judge upheld the EIR in all respects with the exception of one. OC San adopted and filed an Addendum to the EIR with the court. The property owners then announced that they would not be challenging the Addendum and would be dismissing the CEQA case.

**PUBLIC HEARING:****2. COLLECTION OF SEWER SERVICE CHARGES VIA THE TAX ROLL [2023-2946](#)**

**Originator:** Wally Ritchie

Vice-Chair Gallagher opened the public hearing at 6:19 p.m. Director of Finance Wally Ritchie provided a brief staff report; Clerk of the Board Kelly Lore provided no written comment(s) in objection; and with no other comment or objection, Vice-Chair Gallagher closed the public hearing at 6:20 p.m.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Conduct a public hearing to receive input on a report filed with the Clerk of the Board entitled: "Sewer Service Charges for Collection on Tax Rolls for Fiscal Year 2023-24":
  - 1. Open the Public Hearing
  - 2. Receive staff report and recommendations
  - 3. Report of written communications by Clerk of the Board
  - 4. Public Comment
  - 5. Close Public Hearing
  - 6. Discussion by Board of Directors;
- B. Unless there is a majority protest, adopt the Report, which has the assessor's parcel numbers and amount of charges for collection on the tax rolls;
- C. Adopt Resolution No. OC SAN 23-14 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District adopting the Report proposing to collect Sewer Service Fees on the Tax Roll for Fiscal Year 2023/2024";
- D. Authorize execution of the "Certification of Assessment";
- E. Direct staff to file a certified copy of the adopted Resolution, Report, and the Certification of Assessment with the County Auditor-Controller; and
- F. Direct staff to coordinate collection of sanitary sewer service charges on the general Orange County tax rolls with the County Auditor-Controller, Assessor, and Tax Collector.

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

### **CONSENT CALENDAR:**

**3. APPROVAL OF MINUTES** [2023-3134](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve minutes of the Regular meeting of the Board of Directors held July 26, 2023.

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

**4. 2023 CONFLICT OF INTEREST CODE** [2023-3128](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 23-15 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District adopting a Conflict of Interest Code which supersedes all prior Conflict of Interest Codes and amendments previously adopted".

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

**5. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST [2023-3139](#)**

**Originator:** Wally Ritchie

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 April 1, 2023 to June 30, 2023; and

B. Approve the following additions to the pre-approved OEM Sole Source List:

- EVIDENT SCIENTIFIC, INC - Olympus IPLEX GX Videoscope and Related Accessories
- NEWPORT DUNES RESORT AND MARINA - Marina Lease for Ocean Monitoring Program (OMP) Vessel
- PHILADELPHIA MIXING SOLUTIONS LLC - Parts for Rebuild and Repairs of Gearbox for Aeration Basins

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

**RECEIVE AND FILE:**

**6. COMMITTEE MEETING MINUTES [2023-2728](#)**

**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

Minutes of the Steering Committee Meeting held June 28, 2023.

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7. **REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF JULY 2023** [2023-2855](#)

**Originator:** Wally Ritchie

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

**OPERATIONS COMMITTEE:**

None.

**ADMINISTRATION COMMITTEE:**

None.

**STEERING COMMITTEE:**

8. **LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF JULY 2023** [2023-3160](#)

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

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

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

9. **PUBLIC AFFAIRS UPDATE FOR THE MONTH OF JULY 2023** [2023-3161](#)

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

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

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

**10. AMENDMENTS TO ANNUAL PROFESSIONAL DESIGN SERVICES [2023-3167](#)  
AGREEMENTS AND ON-CALL MAINTENANCE AND REPAIR  
MASTER SERVICES CONTRACTS**

**Originator:** Wally Ritchie

MOVED, SECONDED, AND DULY CARRIED TO:



A. Approve Amendments to the following Annual Professional Design Services Agreements:

1. Amendment No. 3 - Arcadis U.S., Inc. FE21-00-02
2. Amendment No. 3 - Black & Veatch Corporation FE21-00-03
3. Amendment No. 3 - Brown and Caldwell FE21-00-04
4. Amendment No. 3 - CDM Smith, Inc. FE21-00-05
5. Amendment No. 3 - CIVILTEC Engineering, Inc. FE21-00-06
6. Amendment No. 3 - Dudek FE21-00-07
7. Amendment No. 3 - GHD, Inc. FE21-00-08
8. Amendment No. 3 - HDR Engineering, Inc. FE21-00-09
9. Amendment No. 4 - Ardurra Group, Inc. FE21-00-10 (*Successor firm*)
10. Amendment No. 3 - Kennedy/Jenks Consultants, Inc. FE21-00-11
11. Amendment No. 3 - Kleinfelder, Inc. FE21-00-12
12. Amendment No. 3 - Michael Baker International, Inc. FE21-00-13
13. Amendment No. 3 - ProjectLine Technical Services, Inc. FE21-00-14
14. Amendment No. 3 - SPEC Services, Inc. FE21-00-15
15. Amendment No. 3 - SVA Architects, Inc. FE21-00-16
16. Amendment No. 3 - Tetra Tech, Inc. FE21-00-17
17. Amendment No. 3 - Woodard & Curran, Inc. FE21-00-18; and

B. Approve Amendments to the following On-Call Maintenance and Repair Master Services Contracts:

1. Amendment No. 2 - Charles King Company S-2021-1234BD
2. Amendment No. 2 - Jamison Engineering Contractors, Inc. S-2021-1234BD
3. Amendment No. 2 - J.R. Filanc Construction Co., Inc. S-2021-1234BD
4. Amendment No. 2 - Shimmick Construction, Inc. S-2021-1234BD
5. Amendment No. 2 - W.A. Rasic Construction Company, Inc. S-2021-1234BD
6. Amendment No. 2 - Kiewit Infrastructure West Co. S-2021-1234BD
7. Amendment No. 2 - O'Connell Engineering & Construction, Inc. S-2021-1234BD

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

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**11. WASTEHAULER STATION SAFETY AND SECURITY IMPROVEMENTS, PROJECT NO. FE20-01** [2023-3162](#)

**Originator:** Mike Dorman

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a contingency increase of \$101,387 (6%) to the construction contract with LEED Electric, Inc. for Wastehauler Station Safety and Security Improvements, Project No. FE20-01, for a total construction contingency of \$270,367 (16%).

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

**12. UPDATE TO POSITION TITLES IN THE IDENTITY THEFT PREVENTION PROGRAM** [2023-3163](#)

**Originator:** Wally Ritchie

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 23-18 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Adopting an Update to the Identity Theft Prevention Program in order to comply with the Fair and Accurate Credit Transaction Act of 2003; and Repealing Resolution No. OCSD 09-03".

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

**13. UPDATE TO FINANCIAL TRANSACTIONS POLICY** [2023-3164](#)

**Originator:** Wally Ritchie

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 23-19 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District, Authorizing the Establishment of Miscellaneous Banking Accounts, Establishing Policies Governing the Transactions related thereto, and Designating Employees to act on Orange County Sanitation District's behalf for said accounts; and Repealing Resolution No. OCSD 18-06".

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

**14. BENEFITS FOR UNREPRESENTED MANAGER GROUP EMPLOYEES [2023-3165](#)**

**Originator:** Laura Maravilla

Director of Human Resources Laura Maravilla provided a brief overview of the item.

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 23-16 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Approving Benefits Adjustments for Unrepresented Manager Group Employees".

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

**15. GENERAL MANAGER'S COMPENSATION AND BENEFITS [2023-3166](#)**

**Originator:** Laura Maravilla

Ms. Maravilla stated that the Steering Committee had reviewed the General Manager's job performance for Fiscal Year 2022/2023 and recommended that the Board approve the proposed salary increase. The proposed salary increase will achieve the Board's target of 75th percentile for overall market position and establish a salary for the General Manager that is competitive and supports retention. She noted a clerical error in Section 7 of the agreement which was changed to provide specific Plan H reference

as it substantiates full payment of employer paid member contributions. The revised agreement was also posted and made available on ocsan.gov.

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 23-17 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District approving a salary increase and salary range adjustment for the General Manager for Fiscal Year 2023/2024." The increase consists of a salary range adjustment and corresponding salary increase of 8.5%, effective in the first pay period of July 2023.

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

**NON-CONSENT:**

**16. TREASURER'S REPORT FOR THE FOURTH QUARTER ENDED [2023-2857](#)  
JUNE 30, 2023**

**Originator:** Wally Ritchie

Director of Finance Wally Ritchie provided a brief overview of the item.

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District Fourth Quarter Treasurer's Report for the period ended June 30, 2023.

**17. BOARD OF DIRECTORS COMPENSATION [2023-3137](#)**

**Originator:** Kelly Lore

Vice-Chair Gallagher introduced the item and provided an overview. He stated that the current rate of compensation had not been raised in over 15 years and after review by the Steering Committee, an increase to \$300 per day of service was being proposed, with an annual increase of up to 5% every January 1, beginning on January 1, 2025 unless waived by the Board of Directors.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Introduce Ordinance No. OC SAN-62 entitled: “An Ordinance of the Board of Directors of the Orange County Sanitation District Pertaining to the Compensation of the Members of the Board of Directors, and Repealing Ordinance No. OCSD-34”;
- B. Motion to read Ordinance No. OC SAN-62 by title only and waive reading of said entire Ordinance;
- C. Set September 27, 2023 as the date for the second reading, public hearing, and adoption of Ordinance No. OC SAN-62; and
- D. Direct the Clerk of the Board to publish summaries of the Ordinance as required by law.

**AYES:** Brad Avery, Pat Burns, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Johnathan Ryan Hernandez, Farrah Khan, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, Susan Sonne, Schelly Sustarsic, Bruce Whitaker, John Withers, Debbie Baker (Alternate), Tom Lindsey (Alternate) and Carol Warren (Alternate)

**NOES:** None

**ABSENT:** Doug Chaffee, Rose Espinoza, Jordan Nefulda and Chad Wanke

**ABSTENTIONS:** None

**INFORMATION ITEMS:**

None.

**AB 1234 DISCLOSURE REPORTS:**

Director Stephen Faessel provided a report on the recent ISDOC meeting.

*Directors Johnathan Ryan Hernandez, Bob Ooten, and John Withers departed the meeting prior to Closed Session.*

**CLOSED SESSION:**

**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(1), 54956.9(d)(2) & 54956.9(d)(4).**

The Board convened in closed session at 6:33 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.

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**CS-1 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2023-3168](#)**  
**GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Number of Cases: 1

- Alexis Tovar Solis and Jose Tovar v. Orange County Sanitation District; and Does 1-10, Superior Court of California, County of Los Angeles, Case No. 21STC24469.

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED [2023-3169](#)**  
**LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2)**

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 2

- A. Claim/Demand Letter received from Watt Tieder, on behalf of PCL Construction, Inc., re: Contract No. P2-98A for Project A-Side Primary Clarifiers Replacement at Plant 2. Claim regarding a Change Order Proposal RFC No. 44; and
- B. Claim/Compensation Request received from Carolyn Smuts re: Property Damage at 22202 Cape May Lane, Huntington Beach, CA 92646.

**CS-3 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED [2023-3170](#)**  
**LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4)**

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Potential initiation of litigation regarding Miller-Holder Rhone Lane Easement.

**RECONVENED IN REGULAR SESSION.**

The Board reconvened in regular session at 7:07 p.m.

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

General Counsel Brad Hogin stated that the Board of Directors voted unanimously to deny the Claim from Watt Tieder, on behalf of PCL Construction, related to the A-Side Primary Clarifiers Replacement Project at Plant No. 2.

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

None.

**BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:**

None.

**ADJOURNMENT:**

At 7:08 p.m., Vice-Chair Gallagher adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, September 27, 2023 at 6:00 p.m.

Submitted by:

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Kelly A. Lore, MMC  
Clerk of the Board