

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

FEBRUARY 28, 2024



**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, February 28, 2024 at 6:01 p.m. in the Administration Building of the Orange County Sanitation District. Director Schelly Sustarsic delivered the invocation and led the Pledge of Allegiance.

1. APPOINTMENTS TO THE ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS [2024-3455](#)

Originator: Kelly Lore

Without objection the item was received and filed.

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

Agency	Director	Alternate Director
City of Cypress	Scott Minikus	Bonnie Peat
City of Fullerton	Bruce Whitaker	Nick Dunlap
City of Orange	Jon Dumitru	John Gyllenhammer
City of Santa Ana	Johnathan Ryan Hernandez	Benjamin Vazquez
City of Seal Beach	Schelly Sustarsic	Lisa Landau
City of Tustin	Ryan Gallagher	Austin Lumbard
City of Villa Park	Robbie Pitts	Jordan Wu
Costa Mesa Sanitary District	Bob Ooten	Art Perry
Irvine Ranch Water District	John Withers	Douglas Reinhart
Yorba Linda Water District	Phil Hawkins	Tom Lindsey
Board of Supervisors	Doug Chaffee	Donald P. Wagner

ROLL CALL AND DECLARATION OF QUORUM

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

PRESENT: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

ABSENT: John Withers

STAFF PRESENT: Rob Thompson, General Manager; Lorenzo Tyner, Assistant General Manager; Mike 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; Jackie Castro; Daisy Covarrubias; Raul Cuellar; Thys DeVries; Martin Dix; Al Garcia; Marianne Kleine; Rob Michaels; Aldwin Ramirez; Perla Rodriguez; and Ruth Zintzun were present in the Board Room.

OTHERS PRESENT: Brad Hogin, General Counsel; Gary Weisberg, Associate Counsel; Lindsay Caro, Associate Counsel; Alex Ackerman, Special Counsel, Alston & Bird LLP; and Matt Wickersham, Special Counsel, Alston & Bird LLP were present in the Board Room.

PUBLIC COMMENTS:

The following spoke in opposition of Item Nos. CS-3 and CS-4:

Andrea Rizzo, Tanya Sapp, Frank Clarke, Diane Haynes, Mika Terajima, Eric Spear, Debora West, Rob Jackson, Kathy Stephens, Gerry McCabe, Scott Monastra, Francis La Placa, Cathy McCabe, Derek Uerling, and Philip Rizzo.

The Clerk of the Board also read electronic comments from two guest users and Sheri La Placa, in opposition of Item Nos. CS-3 and CS-4.

SPECIAL PRESENTATIONS:

2. EMPLOYEE SERVICE AWARDS

[2024-3464](#)

Originator: Kelly Lore

Chair Wanke recognized Office Assistant Gerry Matthews and Reliability Maintenance Technician Brian Tafolla for their 20-years of service.

20-year Service Awards

Gerry Matthews, Office Assistant - Division 120

Brian Tafolla, Reliability Maintenance Technician - Division 870

REPORTS:

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

Chair Wanke acknowledged the Huntington Beach residents in attendance and stated that their comments and feedback were noted.

General Manager Rob Thompson provided a report on his recent presentation during the Opening Session of the California Water Environment Association - Pretreatment, Pollution Prevention, and Stormwater Compliance conference on "Building a Culture of Accomplishment at your Agency". He stated he also attended the National Association of Clean Water Agencies conference to accept the 2024 National Environmental Achievement Award in the Community Leadership category for the Final Expansion of the Groundwater Replenishment System.

Mr. Thompson stated that OC San recently hosted the Cybersecurity and Infrastructure Security Deputy Director, which consisted of a round table discussion on OC San's Cybersecurity Program and a tour of Plant No. 1.

Mr. Thompson stated that he would be participating in an Orange County Water District webinar focused on constituents of emerging concern with a focus on the Supercritical Water Oxidation project.

CONSENT CALENDAR:

3. APPROVAL OF MINUTES

[2024-3465](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve minutes of the Special meeting of the Board of Directors held January 17, 2024.

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: John Withers

ABSTENTIONS: None

4. ABANDONED SEWER EASEMENT QUITCLAIM DEED

[2024-3466](#)

Originator: Wally Ritchie

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve the easement quitclaim with the City of Garden Grove for abandoned sewer easements, in a form approved by General Counsel; and

B. Direct the Clerk of the Board to record the quitclaim with the Orange County Clerk-Recorder's Office.

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None
ABSENT: John Withers
ABSTENTIONS: None

RECEIVE AND FILE:**5. COMMITTEE MEETING MINUTES [2024-3449](#)**

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the GWRS Steering Committee Meeting held October 9, 2023
- B. Minutes of the Operations Committee Meeting held December 6, 2023
- C. Minutes of the Administration Committee Meeting held December 13, 2023
- D. Minutes of the Steering Committee Meeting held December 14, 2023

6. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF JANUARY 2024 [2024-3424](#)

Originator: Wally Ritchie

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

Report of the Investment Transactions for the month of January 2024.

OPERATIONS COMMITTEE:**7. COOPER BESSEMER PISTONS FOR SPARE INVENTORY [2024-3469](#)**

Originator: Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Sole Source Purchase Order to Cooper Machinery Services LLC for the procurement of 16 spare piston assemblies for the Central Generation (CenGen) engines, for a total amount not to exceed \$367,931 including applicable sales tax & freight; and
- B. Approve a contingency of \$36,793 (10%).

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None
ABSENT: John Withers
ABSTENTIONS: None

8. COLLECTION SYSTEM LEASE AGREEMENT

[2024-3470](#)

Originator: Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a new Site Access and License Agreement with Pacific Quality Partners to lease property to operate a chemical dosing station at 1355 West Imperial Highway in the City of Brea for a term of 36 months at the following lease terms in a form approved by General Counsel:

- April 22, 2024 - April 21, 2025, not to exceed \$3,200 monthly, annual total \$38,400.
- April 22, 2025 - April 21, 2026, not to exceed \$3,296 monthly, annual total \$39,552.
- April 22, 2026 - April 21, 2027, not to exceed \$3,395 monthly, annual total \$40,740.

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None
ABSENT: John Withers
ABSTENTIONS: None

9. SEWER PIPELINE CCTV INSPECTION SERVICES

[2024-3471](#)

Originator: Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve General Services Contracts to two contractors: Pro-Pipe, Inc. (Primary) for a not to exceed amount of \$1,076,373; and National Plant Services, Inc. (Secondary) for \$480,000 for Sewer Pipeline CCTV Inspection Services, Specification No. S-2023-1423BD for the period beginning March 1, 2024, through February 28, 2025, with four one-year renewal options for each service provider;
- B. Approve an annual contingency of a 10% increase over the prior year for all renewal periods and service providers; and
- C. Authorize the General Manager or his designee to amend the General Services Contracts to move funds from one contract to another as necessary due to business needs, with the total of both contracts not exceeding the Board-authorized amount of \$1,556,373 plus contingencies.

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: John Withers

ABSTENTIONS: None

10. BIOSOLIDS HAULING SERVICES - SPECIFICATION NO. S-2020-1208BD CONTINGENCY INCREASE

[2024-3472](#)

Originator: Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve an additional contingency increase of 3.25% to the unit price per wet ton for Denali Water Solutions, LLC (Denali) for Biosolids Hauling for an overall contingency of 23.25% per wet ton, for a new unit price of \$19.14 per wet ton of biosolids plus fuel surcharges, with the total annual amount not to exceed \$600,000 per year effective March 1, 2024, through December 31, 2024; and
- B. Approve an annual unit price contingency increase of 5% for each of the two optional remaining one-year renewal periods that are based on a good faith estimate from Denali.

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: John Withers

ABSTENTIONS: None

11. LIQUID OXYGEN TANK B REPLACEMENT AT PLANT NO. 2, PROJECT NO. FE22-02 [2024-3473](#)

Originator: Mike Dorman

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Services Contract with J.R. Filanc Construction Company, Inc. to provide the Liquid Oxygen Tank B Replacement at Plant No. 2 (FE22-02), Specification No. S-2023-1426BD, for a total amount not to exceed \$3,098,000; and
- B. Approve a contingency in the amount of \$309,800 (10%).

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: John Withers

ABSTENTIONS: None

12. HEADQUARTERS COMPLEX AT PLANT NO. 1, PROJECT NO. P1-128A [2024-3474](#)

Originator: Mike Dorman

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a contingency increase of \$147,000 (3%) to the Professional Construction Services Agreement with HDR Engineering, Inc. for Headquarters Complex at Plant No. 1, Project No. P1-128A, for a total contingency of \$735,000 (15%) and a total contract amount not to exceed \$5,635,000.

- AYES:** Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)
- NOES:** None
- ABSENT:** John Withers
- ABSTENTIONS:** None

ADMINISTRATION COMMITTEE:

13. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST [2024-3492](#)

Originator: Wally Ritchie

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file Orange County Sanitation District purchases made under the General Manager's authority for the period of October 1, 2023 to December 31, 2023.

- AYES:** Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)
- NOES:** None
- ABSENT:** John Withers
- ABSTENTIONS:** None

14. PURCHASE OF IT HARDWARE FOR ENTERPRISE SERVER REFRESH AND UPGRADE [2024-3493](#)

Originator: Wally Ritchie

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Purchase Order to ePlus Technology, inc. for the purchase of IT Hardware for Enterprise Server Refresh and Upgrade, Specification No. E-2023-1435BD, for a total amount not to exceed \$2,038,037 (plus applicable sales tax); and
- B. Approve a contingency in the amount of \$203,804 (10%).

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: John Withers

ABSTENTIONS: None

15. MID-YEAR FINANCIAL REPORT FOR THE PERIOD ENDED DECEMBER 31, 2023 [2024-3494](#)

Originator: Wally Ritchie

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District Mid-Year Financial Report for the period ended December 31, 2023.

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: John Withers

ABSTENTIONS: None

STEERING COMMITTEE:

16. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF JANUARY 2024 [2024-3506](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the month of January 2024.

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: John Withers

ABSTENTIONS: None

17. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF JANUARY 2024

[2024-3507](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the month of January 2024.

AYES: Joyce Ahn, Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, Jose Medrano (Alternate) and John O'Neill (Alternate)

NOES: None

ABSENT: John Withers

ABSTENTIONS: None

NON-CONSENT:

None.

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Directors David Shawver, Stephen Faessel, Jon Dumitru, and Pat Burns provided reports on their recent regional committee meeting attendance.

CLOSED SESSION:

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

The Board convened in closed session at 7:04 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 EXISTING LITIGATION - [2024-3502](#)
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Number of Cases: 1

Thomas Solar Energy v. Orange County Sanitation District, Orange County Superior Court Case No. 30-2023-01337224.

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2024-3503](#)
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Number of Cases: 1

Klean Waters, Inc., et al. v. Orange County Sanitation District, United States District Court, Central District of California, Southern Division, Case No. 8:15-cv-00627.

**CS-3 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2024-3504](#)
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Orange County Sanitation District v. Robert M. Jackson, et al., Orange County Superior Court Case No. 30-2024-01379706-CU-OR-CJC.

CS-4 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) [2024-3505](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Potential initiation of litigation regarding Miller-Holder Easement.

RECONVENED IN REGULAR SESSION.

The Board reconvened in regular session at 8:18 p.m.

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

General Counsel Brad Hogin stated there was no reportable action.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 8:20 p.m., Chair Wanke adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, March 27, 2024 at 6:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board