

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

APRIL 28, 2021



**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 David Shawver on April 28, 2021 at 6:03 p.m. in the Administration Building. Director Glenn Parker delivered the invocation and led the Pledge of Allegiance. Chair Shawver announced that the meeting was being held telephonically and via audio/video teleconferencing in accordance with the Governor's Executive Order No. N-29-20, due to the Coronavirus Pandemic (COVID-19).

ROLL CALL AND DECLARATION OF QUORUM

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

PRESENT: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

ABSENT: Rose Espinoza, Patrick Harper, Steve Jones and Kim Nichols

STAFF PRESENT: Kelly Lore, Clerk of the Board, and Joshua Martinez were present in the Board Room. Jim Herberg, General Manager; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Celia Chandler, Director of Human Resources; Kathy Millea, Director of Engineering; Lan Wiborg, Director of Environmental Services; Jennifer Cabral; Dean Fisher; Tom Grant; Brad Hamilton; Tina Knapp; Jeff Mohr; and Ruth Zintzun were in attendance telephonically.

OTHERS PRESENT: Brad Hogin, General Counsel, was present in the Board Room.

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:

Chair Shawver recognized Quynh Nguyen, Engineering Associate, for 30 years of service. Director of Engineering Kathy Millea provided a PowerPoint presentation recognizing Dean Fisher, Engineering Manager, for 30 years of service to OC San.

REPORTS:

Chair Shawver reported that he, the Vice-Chairman, and Director Jesus Silva recently participated in virtual meetings with Federal and State legislators and discussed current legislation, infrastructure, and funding opportunities. He thanked staff and OC San's lobbyists for scheduling the meetings.

Chair Shawver stated that he had received 11 letters of support as part of the Congressional Community Funding Requests for directed federal spending for the Headworks Rehabilitation

Project and that the letters were transmitted to the OC Congressional Delegation. He thanked the following for their support: Cities of Brea, Villa Park, Fullerton, Buena Park, and Garden Grove and Costa Mesa Sanitary District, Midway City Sanitary District, OCBC, NACWA, CoastKeepers, and CASA.

Chair Shawver thanked the Board for their attendance at the third and final Strategic Plan workshop last week and stated that a recap presentation will be made at next month's Board meeting to summarize the comments/questions and next steps for the development of the plan.

Chair Shawver reminded the Board that they would be received talking points tomorrow for their use at their Council or Agency meetings.

Mr. Herberg provided an update on the NPDES permit process including:

- Santa Ana Regional Water Quality Control Board issued a public notice to comment on OC San's Draft NPDES permit and scheduled a board hearing on May 7, 2021.
- OC San provided timely comments during the public notice period which closed in March.
- At the end of March, OC San was notified by EPA and RWQCB that they had postponed and rescheduled a hearing to adopt OC San's draft NPDES permit from May 7, 2021 to June 18, 2021.
- Preparation for the board hearing by developing a communication plan to give guidance for participating staff members to navigate communications during the hearing.
- EPA and RWQCB will be publishing public comments on OC San's Draft NPDES permit on June 4, 2021.

Mr. Herberg stated that CASA is currently accepting applications for their Education Foundation Scholarship to assist students looking to be part of the water sector. Applications are due May 16; information is posted on OC San's website and on CASA's website.

Mr. Herberg stated that OC San had received five bids for the Headquarters Project and is currently in the process of reviewing and validating them. The item will be brought to the Steering Committee next month.

CONSENT CALENDAR:

1. APPROVAL OF MINUTES

[2021-1564](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Special Meeting of the Board of Directors held March 17, 2021 and of the Regular Meeting of the Board of Directors held March 24, 2021.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Steve Jones and Kim Nichols

ABSTENTIONS: None

RECEIVE AND FILE:

2. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF MARCH 2021 [2020-1330](#)

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

Report of the Investment Transactions for the month of March 2021.

3. COMMITTEE MEETING MINUTES [2021-1543](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the GWRS Steering Committee Meeting held January 11, 2021
- B. Minutes of the Steering Committee Meeting held February 24, 2021
- C. Minutes of the Operations Committee Meeting held March 3, 2021
- D. Minutes of the Legislative and Public Affairs Committee Meeting held March 8, 2021
- E. Minutes of the Administration Committee Meeting held March 10, 2021

OPERATIONS COMMITTEE:

4. FLEET PURCHASE OF REPLACEMENT VEHICLES LT. DUTY TRUCKS, MED. DUTY TRUCKS, SEDANS/SUVs FOR FY20/21 [2021-1585](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Purchase Order to National Auto Fleet Group for the purchase of one new Ford Transit Cargo Van, four new Ford Escape Hybrid compact SUVs, four new Ford F250 Utility Body trucks, one new Ford F350 Crew truck, and two new F550 Mechanic Utility trucks using Sourcewell Cooperative Contract No. 120716-NAF for a total amount of \$631,418 plus freight; and
- B. Approve a contingency of \$31,571 (5%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Steve Jones and Kim Nichols

ABSTENTIONS: None

5. 24-MONTH / 12,000-HOUR SERVICE ON THREE THICKENING CENTRIFUGES AT PLANT NO. 1 [2021-1586](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Sole Source Purchase Order Contract to GEA Mechanical Equipment US Inc. to perform Original Equipment Manufacturer recommended 24-month/12,000-hour service on three Thickening Centrifuges at Plant No. 1, for a total amount not to exceed \$723,158; and

B. Approve a contingency of \$72,316 (10%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Steve Jones and Kim Nichols

ABSTENTIONS: None

6. PLANT BOILER SYSTEM RELIEF AT PLANT NO. 2, PROJECT NO. FE18-15 [2021-1587](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Receive and file Bid Tabulation and Recommendation for Plant Boiler System Relief at Plant No. 2, Project No. FE18-15;

B. Award a Construction Contract to Mehta Mechanical Company, Inc., dba MMC, Inc. for a total amount not to exceed \$230,000; and

C. Approve a contingency of \$34,500 (15%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Steve Jones and Kim Nichols

ABSTENTIONS: None

7. ASSIGNMENT, WELL TRANSFER, AND OPERATORSHIP AGREEMENT WITH CHEVRON U.S.A. INC. [2021-1588](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve the Assignment, Well Transfer, and Operatorship Agreement between the Orange County Sanitation District and Chevron U.S.A. Inc. to accept the assignment of the NC-79 well located at Plant No. 2, API # 05921580, along with the related rights and obligations.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Steve Jones and Kim Nichols

ABSTENTIONS: None

8. TRICKLING FILTER SLUDGE PUMP ROOM EXHAUST FAN RELOCATION AT PLANT NO. 2, PROJECT NO. FR2-0013 [2021-1589](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Trickling Filter Sludge Pump Room Exhaust Fan Relocation at Plant No. 2, Project No. FR2-013;
- B. Reject low bid from MLC Constructors, Inc. as non-responsive;
- C. Award a Construction Contract to Mehta Mechanical Co., Inc. DBA MMC, Inc. for Trickling Filter Sludge Pump Room Exhaust Fan Relocation at Plant No. 2, Project No. FR2-0013, for a total amount not to exceed \$184,000; and
- D. Approve a contingency of \$36,800 (20%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Steve Jones and Kim Nichols

ABSTENTIONS: None

**9. HEADQUARTERS COMPLEX AT PLANT NO. 1, PROJECT NO. [2021-1590](#)
P1-128A**

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Services Agreement with AECOM Technical Services, Inc. to provide construction management, testing, and inspection services for Headquarters Complex at Plant No. 1, Project No. P1-128A, for an amount not to exceed \$6,750,000; and
- B. Approve a contingency of \$675,000 (10%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Steve Jones and Kim Nichols

ABSTENTIONS: None

10. NEWHOPE-PLACENTIA TRUNK SEWER REPLACEMENT, PROJECT [2021-1591](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a contingency increase of \$2,038,470 (3.5%) to the construction contract with Group OHL USA, Inc. for Newhope-Placentia Trunk Sewer Replacement, Project Nos. 2-72B and 2-72C, for a total construction contingency of \$5,824,200 (10%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Steve Jones and Kim Nichols

ABSTENTIONS: None

ADMINISTRATION COMMITTEE:

None.

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

Director Hernandez appeared to be away for the vote on Item Nos. 11-15.

11. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF MARCH 2021 [2021-1596](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the month of March 2021.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Johnathan Ryan Hernandez, Steve Jones and Kim Nichols

ABSTENTIONS: None

12. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF MARCH 2021[2021-1597](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the month of March 2021.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Johnathan Ryan Hernandez, Steve Jones and Kim Nichols

ABSTENTIONS: None

STEERING COMMITTEE:**13. PROPOSED ANNEXATION NO. OC SAN-66 - MASS ANNEXATION OF FIVE AREAS IN ANAHEIM, VILLA PARK, AND YORBA LINDA**[2021-1610](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Authorize Staff to annex five Areas to Orange County Sanitation District within the Cities of Yorba Linda, Anaheim, and Villa Park;
- B. Authorize the General Manager to execute associated Annexation documents in a form approved by General Counsel;
- C. Adopt Resolution No. OC SAN 21-07 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District authorizing initiation of proceedings and requesting the Orange County Local Agency Formation Commission to take proceedings for the Annexation to the Orange County Sanitation District, of territory in the Cities of Yorba Linda, Anaheim, and Villa Park (Annexation No. OC SAN-66 - Mass Annexation of Five Areas in Anaheim, Villa Park, and Yorba Linda)"; and
- D. Forego past Annexation, Capital Facility Capacity Charges, and Annual User Fees for the parcels to be annexed which are currently discharging sewer flows to the Orange County Sanitation District.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Johnathan Ryan Hernandez, Steve Jones and Kim Nichols

ABSTENTIONS: None

NON-CONSENT:

14. PROPOSED ADOPTION OF ORDINANCE NO. OC SAN-55 UPDATING ELECTRONIC REQUIREMENTS FOR THE PRESENTATION OF CLAIMS OR DEMANDS FOR PAYMENT [2021-1603](#)

Originator: Lorenzo Tyner

Assistant General Manager Lorenzo Tyner provided a brief overview of the Item. Clerk of the Board Kelly Lore read the Ordinance title.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Introduce Ordinance No. OC SAN-55, entitled: "An Ordinance of the Board of Directors of the Orange County Sanitation District Establishing Requirements for the Presentation of Claims or Demands for Payment; and Repealing Ordinance No. OCSD-17";
- B. Motion to read Ordinance No. OC SAN-55 by title only and waive reading of said entire Ordinance on April 28, 2021;
- C. Set May 26, 2021, as the date for the second reading and adoption of Ordinance No. OC SAN-55; and
- D. Direct the Clerk of the Board to publish summaries of the Ordinance as required by law.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Johnathan Ryan Hernandez, Steve Jones and Kim Nichols

ABSTENTIONS: None

**15. PROPOSED ADOPTION OF ORDINANCE NO. OC SAN-56 UPDATING [2021-1604](#)
THE PURCHASING ORDINANCE**

Originator: Lorenzo Tyner

Mr. Tyner provided a brief overview of the Item. Clerk of the Board Kelly Lore read the Ordinance title.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Introduce Ordinance No. OC SAN-56, entitled: "An Ordinance of the Board of Directors of the Orange County Sanitation District Establishing Requirements and Procedures for the Purchase of Goods, Services, and Public Works Projects; and Repealing Ordinance No. OCSD-52";
- B. Motion to read Ordinance No. OC SAN-56 by title only and waive reading of said entire Ordinance on April 28, 2021;
- C. Set May 26, 2021, as the date for the second reading and adoption of Ordinance No. OC SAN-56; and
- D. Direct the Clerk of the Board to publish summaries of the Ordinance as required by law.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Rose Espinoza, Patrick Harper, Johnathan Ryan Hernandez, Steve Jones and Kim Nichols

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Bob Ooten provided information regarding his recent attendance at the GWRS Steering Committee Meeting; and Chair Shawver provided a report on his attendance at the OCCOG meeting.

CLOSED SESSION:

CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

The Board convened in closed session at 6:46 p.m. to discuss two items. Confidential minutes of the Closed Session 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 - [2021-1613](#)
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Number of Cases: 1

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.

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2021-1614](#)
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Number of Cases: 1

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

RECONVENED IN REGULAR SESSION.

The Board reconvened in regular session at 7:33 p.m.

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

General Counsel Brad Hogin did not provide a report.

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

At the request of Chair Shawver, General Counsel Brad Hogin provided a brief overview of OC San's Board Chair and Vice-Chair election process which will take place next month.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 7:36 pm. Chair Shawver adjourned the meeting until the Regular Meeting of the Board of Directors to be held on May 26, 2021 at 6:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board