

# **ORANGE COUNTY SANITATION DISTRICT**

## **MINUTES**

### **BOARD OF DIRECTORS**

**SEPTEMBER 28, 2022**



**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, September 28, 2022 at 6:01 p.m. in the Administration Building of the Orange County Sanitation District. Director Chad Zimmerman 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, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols and John Withers

**STAFF PRESENT:** Jim Herberg, General Manager; Kelly Lore, Clerk of the Board; and Mortimer Caparas were present in the Board Room. Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Celia Chandler, Director of Human Resources; Kathy Millea, Director of Engineering; Riaz Moinuddin, Director of Operations and Maintenance; Lan Wiborg, Director of Environmental Services; Janine Aguilar; Jennifer Cabral; Brian Engeln; Tina Knapp; Laura Maravilla; Rob Michaels; Wally Ritchie; Robert Thiede; Loc Trang; and Ruth Zintzun were in attendance telephonically.

**OTHERS PRESENT:** Brad Hogin, General Counsel, and Chief Negotiator Laura Kalty, Liebert Cassidy Whitmore, were in attendance telephonically.

**PUBLIC COMMENTS:**

None.

**SPECIAL PRESENTATIONS:****1. EMPLOYEE SERVICE AWARDS****2022-2508**

**Originator:** Kelly Lore

Assistant General Manager Lorenzo Tyner presented a 25-year Employee Service Award to Principal Project Controls Analyst Robert Thiede.

Chair Wanke recognized the remaining recipients who could not attend:

**35-year Service Award**

Bea Mitchell, Administrative Assistant - Division 620

**20-year Service Award**

Darren Schuler, Senior Mechanic - Division 820

**REPORTS:**

Chair Wanke announced that the updated Resolution to continue teleconferencing of public meetings was on the agenda and if adopted would be in effect for another 30 days.

Chair Wanke also stated that the Directors will be receiving their monthly talking points regarding OC San activities to assist while reporting out to their councils, boards, and community groups.

General Manager Herberg stated that OC San staff is available to provide presentations on general OC San information or construction updates to their respective councils and boards.

Mr. Herberg also stated that at the request of the Board, OC San has extended the OC San "U" development program to the member agencies. The next class will be Development of Professional Skills which will be presented through The Centre for Organization Effectiveness. He stated that a letter with the details of the program will be sent from OC San's Human Resources Department to the member agencies very soon.

Mr. Herberg requested that the meeting be adjourned in memory of Board Member Ronald Bates and OC San Employee Juan Lopez who recently passed away.

**CONSENT CALENDAR:****2. APPROVAL OF MINUTES**[2022-2509](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Board of Directors Meeting held August 24, 2022 and the Special Board of Directors Meeting held September 14, 2022.

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols and John Withers

**ABSTENTIONS:** None

**3. CAPITAL IMPROVEMENT PROGRAM ANNUAL REPORT**

[2022-2195](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Capital Improvement Program Annual Report for Fiscal Year 2021-2022.

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols and John Withers

**ABSTENTIONS:** None

**RECEIVE AND FILE:**

**4. COMMITTEE MEETING MINUTES**

[2022-2064](#)

**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the Operations Committee Meeting held July 6, 2022
- B. Minutes of the Legislative and Public Affairs Committee Meeting held July 11, 2022.
- C. Minutes of the Administration Committee Meeting held July 13, 2022
- D. Minutes of the Steering Committee Meeting held July 27, 2022

**5. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF AUGUST 2022**[2022-2384](#)**Originator:** Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

**OPERATIONS COMMITTEE:****6. WASTEHAILER STATION SAFETY AND SECURITY IMPROVEMENTS, PROJECT NO. FE20-01**[2022-2516](#)**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Wastehauler Station Safety and Security Improvements, Project No. FE20-01;
- B. Award a Construction Contract to LEED Electric, Inc. for Wastehauler Station Safety and Security Improvements, Project No. FE20-01, for a total amount not to exceed \$1,689,788; and
- C. Approve a contingency of \$168,980 (10%).

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)**NOES:** None**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols and John Withers**ABSTENTIONS:** None**7. ENGINEERING PROGRAM CONTRACT PERFORMANCE REPORT**[2022-2517](#)**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Engineering Program Contract Performance Report for the period ending June 30, 2022.

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols and John Withers

**ABSTENTIONS:** None

**8. ANIONIC POLYMER SPECIFICATION NO. C-2021-1252BD  
CONTINGENCY INCREASE**

[2022-2518](#)

**Originator:** Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a unit price contingency increase of 5% for a total annual contingency amount of 15% to the Anionic Polymer Specification No. C-2021-1253BD contract with Polydyne, Inc. for the term of November 1, 2022 through October 31, 2023; and

B. Approve a unit price contingency increase of 5% for the remaining three, one-year renewal periods; for a total annual contingency amount of 15%.

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols and John Withers

**ABSTENTIONS:** None

**9. COLLECTION SYSTEM CONDITION MONITORING SERVICE**

[2022-2519](#)

**Originator:** Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a contingency increase of \$17,777 (10%) to an existing five-year Service and Monitoring Purchase Order Agreement (107432-OB) of \$177,778 with Hadronex, Inc. dba SmartCover Systems for field device communication and monitoring services, for a new total contingency of \$35,554 (20%).

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols and John Withers

**ABSTENTIONS:** None

**10. FLEET VEHICLE REPLACEMENT PURCHASE**

[2022-2520](#)

**Originator:** Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve the purchase of replacement vehicles for OC San's fleet as originally approved in the adopted fiscal year 2022/23 budget in the amounts of:

- Three light-duty trucks - \$133,500
- One step van - \$136,900
- Two medium-duty utility trucks - \$225,000

B. Approve the re-purchase of the remaining replacement vehicles for OC San's fleet as originally approved in the adopted fiscal year 2021/22 budget in the remaining amounts of:

- One medium-duty truck - \$67,500
- One heavy-duty truck - \$260,000
- Ten Hybrid SUVs (AWD) - \$357,400
- Four light-duty trucks - \$150,000

C. Delegate to the General Manager and Purchasing Manager the authority to purchase the above listed replacement vehicles, through cooperative contracts, at the not to exceed prices listed above, during the fiscal year.

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols and John Withers

**ABSTENTIONS:** None

**ADMINISTRATION COMMITTEE:**

*Alternate Director Ted Bui appeared away for the voting on Item Nos. 11-16.*

**11. REIMBURSEMENTS TO BOARD MEMBERS AND STAFF**[2022-2535](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file report of reimbursements to Board Members and Staff per Government Code Section 53065.5 for the period July 1, 2021 through June 30, 2022.

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols, John Withers and Ted Bui (Alternate)

**ABSTENTIONS:** None

**12. OCEAN ACIDIFICATION AND HYPOXIA MINI-MOORING**[2022-2536](#)

**Originator:** Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Sole Source Service Contract with The Regents of the University of California on behalf of its San Diego campus' Scripps Institution of Oceanography to design, build, and maintain an ocean acidification and hypoxia mini-mooring for a total amount not to exceed \$237,235 which includes \$159,066 for the first one-year period, to develop and deploy the mooring including the initial 6-month operation, and the first swap-out and subsequent 6-month operation;

B. Approve the renewal of the Sole Source Service Contract, at the sole option of OC San, for one (1) additional one-year period in the amount of \$78,169 for 12-month operation and two swap-outs; and

C. Approve a contingency in the amount of \$23,724 (10%).

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols, John Withers and Ted Bui (Alternate)

**ABSTENTIONS:** None

**13. PURCHASE ISLAND'S DISASTER RECOVERY AS A SERVICE**

[2022-2537](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Purchase Order to Nth Generation Computing, Inc. for the purchase of software, hardware, and services to implement and configure the Island Disaster Recovery as a Service, Specification No. #E-2022-1300BD, for a three-year period for a total amount not to exceed \$475,425; and

B. Approve a contingency in the amount of \$47,542 (10%).

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols, John Withers and Ted Bui (Alternate)

**ABSTENTIONS:** None

**LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**

**14. INSIDE THE OUTDOORS YEAR END RECAP**

[2022-2523](#)

**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and File the Inside the Outdoors Annual Recap Report.

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols, John Withers and Ted Bui (Alternate)

**ABSTENTIONS:** None

**15. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTHS OF JULY AND AUGUST 2022** [2022-2524](#)**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and File the Legislative Affairs Update for the months of July and August 2022.

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols, John Withers and Ted Bui (Alternate)

**ABSTENTIONS:** None

**16. PUBLIC AFFAIRS UPDATE FOR THE MONTHS OF JULY AND AUGUST 2022** [2022-2525](#)**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and File the Public Affairs Update for the months of July and August 2022.

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, Chad Wanke, Chad Zimmerman and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols, John Withers and Ted Bui (Alternate)

**ABSTENTIONS:** None

**STEERING COMMITTEE:**

None.

*Director Don Wagner departed the meeting at approximately 6:23 p.m.*

**NON-CONSENT:**

**17. COMPENSATION AND BENEFITS FOR UNREPRESENTED EMPLOYEE GROUPS - EXECUTIVE MANAGEMENT TEAM, MANAGER GROUP, AND CONFIDENTIAL GROUP**

[2022-2546](#)

**Originator:** Celia Chandler

Mr. Herberg provided an introduction to this item.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Adopt Resolution No. OC SAN 22-27, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District Approving Salary and Benefit Adjustments for Unrepresented Executive Management Team Employees for Fiscal Years 2022/2023, 2023/2024, and 2024/2025";
- B. Adopt Resolution No. OC SAN 22-28, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District Approving Salary and Benefit Adjustments for Unrepresented Manager Group Employees for Fiscal Years 2022/2023, 2023/2024, and 2024/2025";
- C. Adopt Resolution No. OC SAN 22-29, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District Approving Salary and Benefit Adjustments for Unrepresented Exempt Confidential Employees for Fiscal Years 2022/2023, 2023/2024, and 2024/2025"; and
- D. Adopt Resolution No. OC SAN 22-30, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District Approving Salary and Benefit Adjustments for Unrepresented Non-Exempt Confidential Employees for Fiscal Years 2022/2023, 2023/2024, and 2024/2025".

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols, Donald Wagner and John Withers

**ABSTENTIONS:** None

**18. SUCCESSOR MEMORANDUM OF UNDERSTANDING FOR THE INTERNATIONAL UNION OF OPERATING ENGINEERS - LOCAL 501**

[2022-2547](#)

**Originator:** Celia Chandler

Chief Negotiator Laura Kalty provided an overview of this item.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Adopt Resolution No. OC SAN 22-31, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District approving the Memorandum of Understanding (MOU) between the Orange County Sanitation District and the International Union of Operating Engineers Local 501, for Fiscal Years 2022/2023, 2023/2024 & 2024/2025";
- B. Direct Staff to finalize and sign the Memorandum of Understanding (MOU) between Orange County Sanitation District and the Local 501 bargaining unit; and
- C. Approve pay grade changes for the following classifications: Mechanic (LOC61 to LOC62), Senior Mechanic (LOC67 to LOC68), and Lead Mechanic (LOC71 to LOC72).

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, Jesus Silva, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)

**NOES:** None

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols, Donald Wagner and John Withers

**ABSTENTIONS:** David Shawver

**19. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS**

**2022-2515**

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-32 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".

**AYES:** Brad Avery, Art Brown, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Brooke Jones, Steve Jones, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, Chad Zimmerman, Ted Bui (Alternate) and Dan Kalmick (Alternate)

**NOES:** Sandra Massa-Lavitt

**ABSENT:** Rose Espinoza, Johnathan Ryan Hernandez, Anthony Kuo, Kim Nichols, Donald Wagner and John Withers

**ABSTENTIONS:** None

**INFORMATION ITEMS:**

None.

**AB 1234 DISCLOSURE REPORTS:**

Director Shawver provided a brief update on his attendance at the recent OCCOG Board of Directors Meeting.

**CLOSED SESSION:**

None.

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

Chair Wanke asked to place an item for discussion regarding a return to in-person meetings on an upcoming agenda.

**ADJOURNMENT:**

At 6:33 p.m., Chair Wanke adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, October 26, 2022 at 6:00 p.m.

Submitted by:

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Kelly A. Lore, MMC  
Clerk of the Board