

**ORANGE COUNTY SANITATION DISTRICT**

**MINUTES**

**BOARD OF DIRECTORS**

**NOVEMBER 17, 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 John Withers on Wednesday, November 17, 2021 at 6:01 p.m. in the Administration Building of the Orange County Sanitation District. Chair Withers stated that the meeting was being held telephonically and via Internet accessibility in accordance with new provisions in California Government Code Section 54953 and Resolution No. OC SAN 21-15, due to the continued State of Emergency Order. Chair Withers announced the teleconference meeting guidelines. Director David Shawver 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, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**ABSENT:** Brooke Jones and Steve Jones

**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; Stephanie Barron; Jennifer Cabral; Thys Devries; Brian Engeln; Tina Knapp; Lori McKinley; Rob Michaels; Wally Ritchie; Thomas Vu; Eros Yong; and Ruth Zintzun were in attendance telephonically.

**OTHERS PRESENT:** Brad Hogin, General Counsel, was present in the Board Room. Mitch Barker; Jeff Gilson, and Rich ten Bosch were in attendance telephonically.

**PUBLIC COMMENTS:**

No public comments were provided.

Clerk of the Board Kelly Lore stated that after the publication of the agenda, she received Late Communication from General Manager Herberg regarding an update to Item No. 17 including a revised Agenda Report which included information of a fee reduction; and an amended Resolution which was provided to the Board Members and made available to the public yesterday. She also stated that Closed Session Item Nos. CS-1 A & CS-1 B would not be heard.

**SPECIAL PRESENTATIONS:****1. EMPLOYEE SERVICE AWARDS**[2021-1965](#)**Originator:** Kelly Lore

Director of Environmental Services Lan Wiborg presented the 30-year Service Award to Lori McKinley, Principal Environmental Specialist, Division 620.

Chair Withers recognized Enrique Pantoja, Senior Plant Operator, Division 830; and Ernest Savedra, Lead Mechanic, Division 820 for 20 years of service.

**30-year Service Awards**

Lori McKinley, Principal Environmental Specialist, Division 620

**20-year Service Awards**

Enrique Pantoja, Senior Plant Operator, Division 830  
Ernest Savedra, Lead Mechanic, Division 820

**REPORTS:**

Chair Withers announced that OC San Administrative Offices would be closed November 24th and 25th for the Thanksgiving holiday; and that due to the holidays next month, the Steering and Board meetings would be held on December 15th. He also stated that the Board Member talking points regarding OC San activities will be provided to the Directors and Alternate Directors tomorrow.

Mr. Herberg reported that at the last Operations Committee an item for Supercritical Water Oxidation research was considered. The Committee directed staff to include additional information and to bring the updated item to the Operations Committee in December.

Mr. Herberg also reported on OC San's recent recognition received by the State Water Resources Control Board through a resolution recommendation wherein the State Board expressed their appreciation for OC San's efforts as early trend setters in implementing wastewater-based epidemiology. Mr. Herberg stated that OC San is greatly honored by their recognition and will continue to assist as long needed.

Mr. Herberg reported on the creation of an electronic community newsletter to be shared with OC San's service area to make the community aware and familiar with various programs. The OC San Connection newsletter will be developed quarterly and distributed via our website, social media platforms, and shared with all of our member agencies.

Mr. Herberg provided a brief update regarding PFAS legislation.

**CONSENT CALENDAR:****2. APPROVAL OF MINUTES**[2021-1941](#)**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Board of Directors Meeting held October 27, 2021.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**3. PROPOSED BOARD OF DIRECTORS & COMMITTEE MEETING [2021-1957](#)  
DATES FOR CALENDAR YEAR 2022**

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve the calendar of meeting dates for the 2022 calendar year for the Board of Directors and the following Committees: Administration, Legislative and Public Affairs, Operations, and Steering.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**RECEIVE AND FILE:**

**4. COMMITTEE MEETING MINUTES [2021-1550](#)**

**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the Legislative and Public Affairs Committee Meeting held September 13, 2021
- B. Minutes of the Steering Committee Special Meeting held September 29, 2021
- C. Minutes of the Operations Committee Special Meeting held October 6, 2021
- D. Minutes of the Administration Committee Meeting held October 13, 2021

5. **REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF OCTOBER 2021** [2021-1701](#)

**Originator:** Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

**OPERATIONS COMMITTEE:**

6. **OPERATIONS AND MAINTENANCE COATING REHABILITATION PROGRAM ON-CALL SERVICE CONTRACT** [2021-1961](#)

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Service Contract for Operations and Maintenance Coating Rehabilitation Program On-Call Services with Arena Painting Contractors Inc., per Specification No. S-2021-1264BD, for a total amount not to exceed \$628,182 per year, for the period of December 7, 2021 through December 6, 2022, with four optional, one-year renewals; and
- B. Approve an annual contingency of \$62,818 (10%).

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

7. **PLANT NO. 2 TRICKLING FILTER PUMP STATION VARIABLE FREQUENCY DRIVE REPLACEMENT** [2021-1962](#)

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Service Contract with Baker Electric, Inc. for Plant No. 2 Trickle Filter Pump Station Variable Frequency Drive Replacement, per Specification S-2021-1273BD, for a total amount not to exceed \$191,290; and
- B. Approve a contingency of \$19,129 (10%).

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**8. ENGINEERING PROGRAM CONTRACT PERFORMANCE REPORT [2021-1963](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Engineering Program Contract Performance Report for the period ending September 30, 2021.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**9. PURCHASE OF INVENTORY CENTRIFUGE REPLACEMENT PARTS [2021-1964](#)**

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Sole Source Purchase Order to GEA Mechanical Equipment US Inc. for the Purchase and Replenishment of Inventory Replacement Parts for Thickening and Dewatering Centrifuges, for the period beginning December 1, 2021 through November 30, 2022, to maintain equipment warranty, for a total amount not to exceed \$1,116,000; and
- B. Approve a contingency of \$111,600 (10%).

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

#### **ADMINISTRATION COMMITTEE:**

#### **10. OCEAN MODELING SUPPORT PROJECT**

[2021-1986](#)

**Originator:** Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve Amendment extending the Agreement between the Orange County Sanitation District and Southern California Coastal Water Research Project regarding Ocean Outfall Plume Modeling, to provide physical and biogeochemical modeling of the Orange County Sanitation District's ocean discharge, at a cost not to exceed \$135,000, for a total amount not to exceed \$383,000;
- B. Approve a contingency of 13,500 (10%); and
- C. Approve an agreement performance period extension to December 31, 2024.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

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11. **CONSOLIDATED FINANCIAL REPORT FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2021** [2021-1987](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District First Quarter Financial Report for the period ended September 30, 2021.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

12. **MICROSOFT ENTERPRISE LICENSE AGREEMENT (ELA) FOR MICROSOFT ENTERPRISE SOFTWARE LICENSES** [2021-1988](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Purchase Order for a three-year contract to purchase Microsoft Enterprise licenses under the Microsoft ELA in accordance with Microsoft Volume Enterprise Enrollment - for State and Local government, Riverside County Master Licensing Agreement 01E73970, payable annually and with a contract expiration date of December 31, 2024, for a total amount not to exceed \$1,470,495; and

B. Approve a contingency of 220,574 (15%).

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**13. PROPERTY MANAGEMENT SERVICES FOR 18350 MT. LANGLEY STREET AND 18368-18375-18381-18384 BANDILIER CIRCLE, FOUNTAIN VALLEY** [2021-1989](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Amendment No. 5 to the sole source agreement with The Muller Company for Property Management Services for 18350 Mt. Langley Street and 18368-18375-18381-18384 Bandilier Circle in Fountain Valley, for the period of January 1, 2022 through January 31, 2023 for a management fee of \$3,200 per month plus other incurred expenses, including an additional renewal period of twelve (12) months.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**14. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST** [2021-1990](#)

**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, 2021 to September 30, 2021; and
- B. Approve the following additions to the pre-approved OEM Sole Source List for the period of July 1, 2021 to September 30, 2021:
- ACCUSONIC (A BRAND OF ADS LLC) - Maintenance and Repair of Accusonic Equipment
  - DR. KRISTY FORSGREN - Fish Liver Histopathology Analysis and Reporting
  - EATON - Uninterruptible Power Supply (UPS) Parts and Service
  - MOBIUS INSTITUTE - Mobius iLearnReliability Enterprise Training Product
  - NIXON-EGLI EQUIPMENT CO. - Modifications & Custom Equipment Installation on Welder Service Truck
  - OVIVO - Trickling Filter Materials and Repairs
  - TRIMBLE WATER - Trimble Unity Software and Support

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**15. IMPLEMENTATION OF SERVICENOW IT SERVICE MANAGEMENT SOFTWARE** [2021-1991](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Services Agreement to Computer Aid, Inc. (CAI) to provide ServiceNow IT Service Management software and implementation services, Specification No. CS-2021-1244BD, for a total amount not to exceed \$474,505; and
- B. Approve a contingency of 47,451 (10%).

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**16. ORANGE COUNTY SANITATION DISTRICT ANNUAL [2021-1992](#)  
COMPREHENSIVE FINANCIAL REPORT FOR THE YEAR END JUNE  
30, 2021**

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District's Annual Comprehensive Financial Report (ACFR) for the year ended June 30, 2021, prepared by staff and audited by Macias Gini & O'Connell LLP (MGO), Certified Public Accountants, along with the following reports prepared by MGO:

1. Report to the Board of Directors; and
2. Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

*Item No. 17 was pulled and heard separately. An alternate motion was made.*

**17. SECTION 115 TRUST PENSION ACCOUNT CONTRACT AWARD [2021-1993](#)**

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Services Agreement to Public Agency Retirement Services to establish and oversee Orange County Sanitation District's Internal Revenue Service (IRS) Code Section 115 pension trust administration and investment management services;
- B. Adopt Resolution No. OC SAN 21-17 entitled: "A Resolution of the Board of Directors of Orange County Sanitation District Adopting a Post-Employment Benefit Trust Agreement with Public Agency Retirement Services; and Authorizing Officers to Execute Documents and Agreements" as amended; and
- C. Authorize staff to make an initial investment of \$15 million into the Section 115 pension trust.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

#### **LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**

#### **18. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTHS OF SEPTEMBER/OCTOBER 2021**

[2021-1982](#)

**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the months of September and October 2021.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

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19. **PUBLIC AFFAIRS UPDATE FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2021** [2021-1983](#)

**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the months of September and October 2021.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**STEERING COMMITTEE:**

20. **AMENDMENT NO. 4 TO THE REAL PROPERTY LEASE AGREEMENT, SPECIFICATION NO. L-018, WITH TREESAP FARMS, LLC.** [2021-1998](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Amendment No. 4 to the Real Property Lease Agreement, Specification No. L-018, with TreeSap Farms, LLC, providing for a lease extension effective December 1, 2021 through November 30, 2026, with the option to renew for one additional 5-year period, at an annual rate of \$8,623.74 plus the seasonally-adjusted change in the Consumer Price Index for all Urban Consumers.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**21. AGREEMENT TO PROVIDE SEWERAGE SERVICES BY ORANGE COUNTY SANITATION DISTRICT TO A PORTION OF THE CITY OF LONG BEACH, CALIFORNIA** [2021-2001](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve the Agreement between the City of Long Beach Board of Water Commissioners and Orange County Sanitation District to provide Out of Service Area sewage collection and treatment services, in a form approved by General Counsel.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**NON-CONSENT:**

**22. HEALTH REIMBURSEMENT ARRANGEMENT REOPENER RESULTS FOR THE SUPERVISORY AND PROFESSIONAL MANAGEMENT GROUP** [2021-1976](#)

**Originator:** Celia Chandler

Director of Human Resources Celia Chandler provided a brief introduction to the item.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Adopt Resolution No. OC SAN 21-19 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District approving the Health Reimbursement Arrangement (HRA) Plan for the Supervisory and Professional Management Group identified through the 2020-2021 HRA Reopener Negotiations";
- B. Approve the agreement with the Supervisory and Professional Management Group (SPMG) to implement the Health Reimbursement Arrangement (HRA; also referenced as Health Retirement Account in MOU) with employee-funded contributions in the form of mandatory vacation, sick and compensatory leave payouts.
- C. Authorize the Orange County Sanitation District to pay the annual administrative costs of the HRA plan for the SPMG bargaining units, for a maximum exposure of approximately \$8,250 annually, based on current headcounts.
- D. Direct staff to initiate the procurement process for an HRA consultant and/or vendor upon concluding negotiations with the remaining represented bargaining units (Local 501 and OCEA), in order to include all negotiated HRA plans as one package.

**AYES:** Brad Avery, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**23. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS**

[2021-1966](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 21-20 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, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None  
**ABSENT:** Brooke Jones and Steve Jones  
**ABSTENTIONS:** None

*Director Chaffee departed the meeting at approximately 6:56 p.m.*

**24. STRATEGIC PLAN 2021**

[2021-1956](#)

**Originator:** Jim Herberg

Mr. Herberg provided a PowerPoint presentation regarding the 2021 Strategic Planning process and highlighted the policy areas.

MOVED, SECONDED, AND DULY CARRIED TO:

A. Adopt the Orange County Sanitation District Strategic Plan 2021; and

B. Direct staff to implement the goals contained in the Strategic Plan.

**AYES:** Brad Avery, Art Brown, Kim Carr, Mark Chirco, Rose Espinoza, Stephen Faessel, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Doug Chaffee, Ryan Gallagher, Brooke Jones and Steve Jones

**ABSTENTIONS:** None

**INFORMATION ITEMS:**

None.

**AB 1234 DISCLOSURE REPORTS:**

Director Shawver provided highlights from the OCCOG General Assembly meeting held November 17th; and Director Stephen Faessel provided a report on his attendance at the Executive meeting of ISDOC.

**CLOSED SESSION:**

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

The Board convened in closed session at 6:58 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.

*Directors Faessel, Hernandez, and Zimmerman departed the meeting at approximately 7:13 p.m. during Closed Session.*

**CS-1 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2021-1995](#)  
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Item Nos. CS-1 A and CS-1 B were not heard.

Number of Cases: 3

- A. ~~Gilbert Barela v. Orange County Sanitation District; Steve Thornburg; Roy Reynolds; and Does 1-100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01220927-CU-WT-CJC.~~
- B. ~~Heidi M. Janz v. Orange County Sanitation District; Its Board of Directors, Officers, Officials, Agents and Celia Chandler, Director of Human Resources and Does 1 through 10, Superior Court of California, County of Orange, Case No. 30-2021-01208616-CU-OE-CJC.~~
- C. Raul Palazuelos v. Orange County Sanitation District, a government entity; Richard Kwiecien, an individual; and Does 1 through 100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01217839-CU-OE-CJC.

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED [2021-1996](#)  
LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4)**

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 2

- A. Potential litigation - Initiation of Litigation - Claim against California Department of Tax and Fee Administration, for reimbursement of sales tax paid on chemical purchases.
- B. Potential litigation - Initiation of Litigation - Claim against USS Cal Builders Inc. for pipeline repair costs.

**RECONVENED IN REGULAR SESSION.**

The Board reconvened in regular session at 7:18 p.m.

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

General Counsel Brad Hogin provided the following report:

Item CS-2A - The Board of Directors voted unanimously to accept an offer from the CDTFA to settle six outstanding claims for reimbursement of past sales taxes in the amount of \$277,922; and

Item CS-2B - The Board of Directors voted unanimously to accept an offer from Zurich Insurance Company to pay \$417,628 to settle the District's claim for damage caused by Zurich's insured USS Builders to a pipeline in connection with the Fullerton project.

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

Director Jesus Silva requested that staff and General Counsel come up with some ideas regarding appraisal options during acquisitions of real property parcels from another government agency; to not be forced to appraise parcels for their highest value and best use if not using to develop; and to bring options back to the Steering Committee for consideration.

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

None.

**ADJOURNMENT:**

At 7:22 p.m., Chair Withers adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, December 15, 2021 at 6:00 p.m.

Submitted by:

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Kelly A. Lore, MMC  
Clerk of the Board