

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

JULY 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 John Withers on July 28, 2021 at 6:01 p.m. in the Administration Building. Director Patrick Harper delivered the invocation and led the Pledge of Allegiance. Chair Withers 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). Chair Withers announced the meeting guidelines.

A-1 APPOINTMENTS TO THE ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS [2021-1779](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO:

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

Agency
City of Cypress

Director
Paulo Morales

Alternate Director
Anne Hertz

ROLL CALL AND DECLARATION OF QUORUM

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

PRESENT: Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

ABSENT: None

STAFF MEMBERS PRESENT: General Manager Jim Herberg, Clerk of the Board Kelly Lore, and Mortimer Caparas were present in the Board Room. Assistant General Manager Lorenzo Tyner, Assistant General Manager Rob Thompson, Director of Engineering Kathy Millea, Director of Environmental Services Lan Wiborg, Director of Human Resources Celia Chandler, Jennifer Cabral, Belen Carrillo, Tanya Chong, Jason Daniel, Mike Dorman, Jessica Frazier, Mark Kawamoto, Tina Knapp, Rebecca Long, Laura Maravilla, Robert Michaels, Jeff Mohr, Wally Ritchie, and Thomas Vu participated telephonically.

OTHERS PRESENT: Brad Hogin, General Counsel was present in the Board Room. Anna Lalibert, Alliant; Brent Graham, Alliant; Former Board Member Stacy Berry; Allison Chang; Aminah Rangwala; Cassandra Meskel; Kathleen Nguyen; and Sienna Hoch participated telephonically.

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:**SP-1 COMMENDATIONS TO OUTGOING BOARD MEMBERS**[2021-1750](#)

Originator: Kelly Lore

CITY/AGENCY

Cypress

DIRECTOR

Stacy Berry

Chair Withers recognized former Board Member Stacy Berry for her service to the OC San Board of Directors. Ms. Berry thanked and acknowledged the efforts of the Board and staff.

SP-2 RECOGNITION OF PUBLIC SERVICE ANNOUNCEMENT VIDEO CONTEST WINNERS[2021-1521](#)

Originator: Kelly Lore

The videos of each contest winner were shown.

Chair Withers recognized the following:

Video Winners - Judges Pick - \$500

Allison Chang - Irvine, CA

Aminah Rangwala - Irvine, CA

Cassandra Meskel - Tustin, CA

Social Media Winners - \$250

Kathleen Nguyen - Santa Ana, CA (FACEBOOK)

Sienna Hoch - Yorba Linda, CA (INSTAGRAM)

SP-3 EMPLOYEE SERVICE AWARDS[2021-1778](#)

Originator: Kelly Lore

Chair Withers recognized the following Service Awards who could not be in attendance:

20-year Service Award

Dindo Carillo - Regulatory Specialist, Division 610

30-year Service Award

Todd May - Maintenance Specialist, Division 870

Director Kim Nichols departed the meeting at approximately 6:20 p.m.

REPORTS:

Chair Withers wished Director Faessel happy birthday.

Chair Withers announced his recent Committee appointments:

Brooke Jones - Operations Committee Chair & Steering Committee

Ryan Gallagher - Operations Committee Vice-Chair & Steering Committee member

Glenn Parker - Administration Committee Chair

Anthony Kuo - Administration Committee Vice-Chair

Chair Withers explained the nature of the District Transparency Certificate of Excellence which OC San has maintained since 2014. He stated that staff is currently in the process of applying for Certificate renewal and asked the Board Members for their assistance by completing their mandatory Ethics Training and/or providing their current Ethics Training Certificate to the Clerk.

Chair Withers reminded Board Members that are assigned to outside committees and attend meetings on behalf of OC San to provide a brief report during the AB1234 portion of the Board agenda.

Chair Withers stated that the Board Members would be receiving talking points regarding OC San activities for use while reporting out to their councils, boards, and community groups. He also stated that a link to a video highlighting the final expansion of the GWRS would be included in those talking points.

Chair Withers announced that Committees are dark in August. The Steering Committee and Board of Directors will meet as regularly scheduled on August 25, 2021.

General Manager Herberg reported on his recent meeting with the Orange County Business Council where he highlighted OC San's CIP Program and the economic contributions that are made to Orange County and to find ways that we can partner and target the business community to highlight business opportunities related to the CIP projects.

Mr. Herberg provided a brief explanation of the contents of his GM Workplan for FY 2021-22 which was introduced to the Steering Committee this evening.

Mr. Herberg requested that tonight's meeting be adjourned in memory of former Board Member Margie L. Rice and provided information regarding her contributions to the Board of Directors, the City of Westminster, and Midway City Sanitary District. He stated the Clerk will send a Remembrance Certificate memorializing the adjournment to her family.

CONSENT CALENDAR:**1. APPROVAL OF MINUTES****[2021-1729](#)**

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Meeting of the Board of Directors held June 23, 2021.

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

RECEIVE AND FILE:

2. COMMITTEE MEETING MINUTES

[2021-1546](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the Legislative and Public Affairs Committee Meeting held May 10, 2021
- B. Minutes of the Steering Committee Meeting held May 26, 2021
- C. Minutes of the Operations Committee Meeting held June 2, 2021
- D. Minutes of the Administration Committee Meeting held June 9, 2021

3. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF JUNE 2021

[2021-1696](#)

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

OPERATIONS COMMITTEE:

4. REPLACEMENT PURCHASE OF A COMBINATION SEWER CLEANING VEHICLE

[2021-1753](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Purchase Order to Haaker Equipment Company to purchase one new/unused Combination Sewer Cleaning Truck using Sourcewell Cooperative Contract No. 122017-FSC-2 for a total amount not to exceed \$775,410, including freight and taxes; and

B. Approve a contingency of \$23,262 (3%).

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

**5. AREA 02 CRAIG REGIONAL PARK MANHOLE IMPROVEMENTS, [2021-1754](#)
PROJECT NO. FE10-21**

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Receive and file Bid Tabulation and Recommendation for Area 02 Craig Regional Park Manhole Improvements, Project No. FE10-21;

B. Award a Construction Contract to Deark E&C, Inc. for Area 02 Craig Regional Park Manhole Improvements, Project No. FE10-21, for a total amount not to exceed \$427,400; and

C. Approve a contingency of \$42,740 (10%).

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

6. OUTFALL LOW FLOW PUMP STATION, CONTRACT NO. J-117B [2021-1755](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a Purchase Order to ePlus Technology Inc. for Specification No. E-2021-1253BD for IT Server Hardware for Outfall Low Flow Pump Station, Contract No. J-117B, for a total amount of \$793,882.96, plus applicable sales tax and freight.

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

7. COLLECTION SYSTEM FLOW LEVEL MONITORING STUDY, [2021-1756](#)
PROJECT NO. PS20-02

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Services Agreement with Woodard and Curran, Inc. to provide engineering services for the Collection System Flow Level Monitoring Study, Project No. PS20-02, for an amount not to exceed \$616,562; and

B. Approve a contingency of \$61,656 (10%).

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

8. SUNFLOWER AND RED HILL INTERCEPTOR REPAIRS, PROJECT [2021-1757](#)
NO. 7-66

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Sunflower and Red Hill Interceptor Repairs, Project No. 7-66;
- B. Award a Construction Contract to Charles King Company for Sunflower and Red Hill Interceptor Repairs, Project No. 7-66, for an amount not to exceed \$4,777,000; and
- C. Approve a contingency of \$477,700 (10%).

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

9. SUNFLOWER AND RED HILL INTERCEPTOR REPAIRS, PROJECT NO. 7-66 [2021-1758](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Construction Services Agreement with GHD, Inc. to provide construction support services for Sunflower and Red Hill Interceptor Repairs, Project No. 7-66, for an amount not to exceed \$166,000; and
- B. Approve a contingency of \$16,600 (10%).

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

10. SOUTH PERIMETER SECURITY AND UTILITY IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. P1-134 [2021-1759](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for South Perimeter Security and Utility Improvements at Plant No. 1, Project No. P1-134;
- B. Reject the bid from apparent low bidder, RT Contractor Corp., as non-responsive;
- C. Receive and file Orange County Sanitation District's Notice of Intent to Award dated June 3, 2021;
- D. Receive and file Award Protest from Act 1 Construction, Inc. dated June 4, 2021, concerning the award to Tovey/Shultz Construction, Inc.;
- E. Receive and file response letter from Tovey/Shultz Construction, Inc. dated June 8, 2021, regarding the bid protest of Act 1 Construction, Inc.;
- F. Receive and file Orange County Sanitation District's determination letter dated June 10, 2021, to Act 1 Construction, Inc. responding to award protest;
- G. Award a Construction Contract to Tovey/Shultz Construction, Inc. for South Perimeter Security and Utility Improvements at Plant No. 1, Project No. P1-134, for an amount not to exceed \$4,396,779; and
- H. Approve a contingency of \$439,678 (10%).

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

11. SOUTH PERIMETER SECURITY AND UTILITY IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. P1-134

[2021-1760](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Construction Services Agreement with HDR Engineering, Inc. to provide construction support services for South Perimeter Security and Utility Improvements at Plant No. 1, Project No. P1-134, for an amount not to exceed \$235,000; and

B. Approve a contingency of \$23,500 (10%).

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

**12. RIALTO BIOENERGY FACILITY DRYING AND THERMAL
CONVERSION CONTRACT - BIOSOLIDS MANAGEMENT**

[2021-1763](#)

Originator: Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Sole Source Service Contract to Rialto Bioenergy Facility (RBF) to pilot a biosolids drying and thermal conversion service for approximately 100 wet tons per day at a base fee of \$94 per wet ton, plus monthly fuel surcharge, annual CPI (consumer price index) adjustment, and special sampling events at a rate of \$3,950 per event (6 events) for targeted Per- and Polyfluoroalkyl Substances (PFAS) compounds. The term of this Contract is for three (3) years with two (2) optional one-year renewals for a total annual amount not to exceed \$3,463,095; and

B. Approve an annual contingency of \$346,310 (10%).

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

ADMINISTRATION COMMITTEE:**13. ENVIRONMENTAL REGULATORY REPORTS**[2021-1771](#)**Originator:** Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file environmental regulatory reports: Biosolids Management Compliance Report 2020, Annual Pretreatment Program Report Fiscal Year 2019-2020, Semi-Annual Pretreatment Program Report Fiscal Year 2020-2021 (July-December), Annual Greenhouse Gas Emissions Report 2020, Annual Emission Report 2020, Marine Monitoring Annual Report 2019/2020, and Biennial Wastewater Discharge Requirements Sewer System Management Plan Audit Report 2021.

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

14. JANITORIAL & FLOOR MAINTENANCE SERVICE CONTRACT FOR PLANT NOS. 1 AND 2[2021-1772](#)**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Award a Sole Source Service Contract to Gamboa Services, Inc. DBA Corporate Image Maintenance to provide Janitorial & Floor Maintenance Service at Plant Nos. 1 and 2 Specification No. SSJ 2463BD for the period August 1, 2021 through January 31, 2022, for an amount not to exceed \$397,900.

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

15. 2022 BENEFITS INSURANCE RENEWAL[2021-1773](#)

Originator: Celia Chandler

MOVED, SECONDED, AND DULY CARRIED TO:

Approve the Orange County Sanitation District 2022 Benefits Insurance Renewal for the amount of \$12,322,235 for active employees and \$518,340 for retiree-paid health premiums, for an overall not-to-exceed amount of \$12,840,575, as specified below:

- A. WORKTERRA (medical, dental, and vision plans; and Employee Assistance Program [EAP]) - Not to Exceed \$11,745,607;
- B. The Standard (basic life, short- and long-term disability) - Not to Exceed \$514,178;
- C. The Standard (EMT & Manager disability) - Not to Exceed \$30,000;
- D. BenefitWallet (Health Savings Accounts [HSA]) - Not to Exceed \$32,450;
- E. WORKTERRA (additional retiree costs, recouped from retirees through premium payments) - Not to Exceed \$518,340; and
- F. Approve a contingency of \$642,029 (5%).

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

16. INTERNAL AUDIT UPDATE: CYBER SECURITY[2021-1774](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Internal Audit Report from Eide Bailly LLP.

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

17. PUBLIC AFFAIRS STRATEGIC PLAN YEAR END REPORT

[2021-1765](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Strategic Plan for Fiscal Years 2020-21 and 2021-22 Year End Update.

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

18. CONSTRUCTION OUTREACH COMMUNICATIONS AUDIT REPORT

[2021-1766](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Construction Outreach Communications Review and Audit 2021.

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

19. PUBLIC AFFAIRS UPDATE FOR THE MONTHS OF MAY AND JUNE 2021 [2021-1767](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the months of May and June 2021.

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

20. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTHS OF JUNE/JULY 2021 [2021-1768](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the months of June/July 2021.

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

NOES: None

ABSENT: Steve Jones, Kim Nichols and Nitesh Patel (Alternate)

ABSTENTIONS: None

Alternate Director Nitesh Patel joined the meeting at approximately 6:35 p.m.

STEERING COMMITTEE:

None.

NON-CONSENT:**21. PROCESS CONTROL SYSTEMS UPGRADES STUDY, PROJECT NO. [2021-1761](#)
SP-196**

Originator: Kathy Millea

Director of Engineering Kathy Millea provided a brief description of the additional recommendation regarding the need for approval of the Escrow Agent agreement.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Master Services Agreement with ABB Inc. for the design, installation, implementation, and maintenance of a process control system;
- B. Authorize staff to specify ABB Inc. as the sole source provider for equipment, materials, software, and services for control systems on current and future projects;
- C. Ratify the addition of ABB Inc. to the list of pre-approved Original Equipment Manufacturers for procurements under \$100,000 for equipment, materials, software, and services for control systems.; and
- D. Authorize the General Manager to approve and execute the 3-way Escrow Intellectual Property Agreement (Exhibit "E" to the Master Services Agreement with ABB Inc.) with Escrow Agent NCC Group Software Resilience (NA) LLC, at a cost not to exceed \$100,000, in a form approved by General Counsel, for escrow setup and validation.

AYES: Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: None

ABSENT: Steve Jones and Kim Nichols

ABSTENTIONS: None

22. PROCESS CONTROL SYSTEMS UPGRADES, PROJECT NO. J-120 [2021-1762](#)

Originator: Kathy Millea

Ms. Millea explained that this item was moved to non-consent as it was dependent on the approval of the previous item and that no changes had been made to the item after the Operations Committee recommendation for Board approval.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve Task Order No. 1 under the Master Services Agreement with ABB Inc. to provide services, software, and equipment for Process Control Systems Upgrades, Project No. J-120, for an amount not to exceed \$11,818,480; and
- B. Approve a contingency of \$1,181,848 (10%).

AYES: Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: None

ABSENT: Steve Jones and Kim Nichols

ABSTENTIONS: None

Director Steve Jones joined the meeting at approximately 6:41 p.m.

23. PROPOSED ORDINANCE NO. OC SAN-57 UPDATING THE CAPITAL FACILITIES CAPACITY CHARGES ORDINANCE [2021-1741](#)

Originator: Lorenzo Tyner

Assistant General Manager Lorenzo Tyner stated that this is the second reading of the Ordinance and provided a brief explanation.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Adopt Ordinance No. OC SAN-57, entitled "An Ordinance of the Board of Directors of the Orange County Sanitation District Amending Requirements for Accessory Dwelling Unit Capital Facilities Capacity Charges, Restating Previously Adopted Charges, and Repealing Ordinance No. OCSD-50 and Ordinance No. OCSD-54";
- B. Motion to read Ordinance No. OC SAN-57 by title only and waive reading of said entire Ordinance;
- C. Receive and file the Carollo Engineers letter dated June 2, 2021; and
- D. Direct the Clerk of the Board to publish summaries of the Ordinance as required by law.

AYES: Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Nitesh Patel (Alternate)

NOES: None
ABSENT: Kim Nichols
ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Shawver provided a report on his recent attendance at the OCCOG meeting and Director Faessel provided information regarding the upcoming ISDOC virtual luncheon meeting.

CLOSED SESSION:**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.8.**

The Board convened in closed session at 6:46 p.m. to hear one item. 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 REAL PROPERTY NEGOTIATORS -
GOVERNMENT CODE SECTION 54956.8**[2021-1780](#)**CONVENED IN CLOSED SESSION:**

Property: 1516 W. Balboa Blvd., Newport Beach, CA; APN No. 047-222-10

Agency negotiators: General Manager Jim Herberg, Assistant General Manager Lorenzo Tyner, Assistant General Manager Rob Thompson, Director of Engineering Kathy Millea, Controller Wally Richie, and Principal Staff Analyst Jessica Frazier.

Negotiating parties: City of Newport Beach.

Under negotiation: Price and terms of payment

RECONVENE IN REGULAR SESSION.

The Board reconvened in regular session at 6:53 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:

Assistant General Manager Rob Thompson provided information regarding an emergency repair including a valve replacement at the Bay Bridge Pump Station in Newport Beach.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

Chair Withers thanked the Board Members who had taken on new leadership roles and welcomed new Board Member Paulo Morales.

ADJOURNMENT:

At 6:56 p.m., Chair Withers adjourned the meeting until the Regular Meeting of the Board of Directors to be held on August 25, 2021 at 6:00 p.m. in memory of former Board Member Margie L. Rice.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board