

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

AUGUST 28, 2024



**Board Room
Administration Building
10844 Ellis Avenue
Fountain Valley, CA 92708
(714) 593-7433**

CALL TO ORDER

A regular meeting of the Board of Directors of the Orange County Sanitation District was called to order by Board Chairman Ryan Gallagher on Wednesday, August 28, 2024 at 6:04 p.m. in the Administration Building of the Orange County Sanitation District. Director John Withers 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, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

STAFF PRESENT: Rob Thompson, General Manager; Lorenzo Tyner, Assistant General Manager; Jennifer Cabral, Director of Communications; Mike Dorman, Director of Engineering; Laura Maravilla, Director of Human Resources; Riaz Moinuddin, Director of Operations and Maintenance; Wally Ritchie, Director of Finance; Lan Wiborg, Director of Environmental Services; Kelly Lore, Clerk of the Board; Cheri Calisang; Phil Cardova; Jackie Castro; Sam Choi; Don Cutler; Thys DeVries; Martin Dix; Dave Haug; Mark Kawamoto; Marianne Kleine; Tom Meregillano; Rob Michaels; Aldwin Ramirez; Perla Rodriguez; Vianey Sorto-Gaona; Kevin Work; and Ruth Zintzun were present in the Board Room. Julie Riddle was present telephonically.

OTHERS PRESENT: Scott Smith, General Counsel; Guillermo Frias, Associate Counsel; Shawn Cobb, Special Counsel, Allen Matkins; Mike D'Angelo, Special Counsel, Woodruff & Smart; Steve Delaney and Molly Murphy, Orange County Employees Retirement System (OCERS) were present in the Board Room. Art Perry was present telephonically.

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:**1. EMPLOYEE SERVICE AWARDS**

[2024-3743](#)

Originator: Kelly Lore

Chair Gallagher introduced Director of Operations and Maintenance Riaz Moinuddin who introduced Maintenance Superintendent David Haug who presented a 35-year service award to Lead Mechanic Phil Cardova. Chair Gallagher also recognized Program Assistant Julie Riddle for her 35-years of service.

35-year Service Awards

Julie Riddle, Program Assistant - Division 620
Philip "Phil" Cordova, Lead Mechanic - Division 880

2. ORANGE COUNTY RETIREMENT SYSTEM (OCERS) UPDATE [2024-3770](#)

Originator: Lorenzo Tyner

Assistant General Manager Lorenzo Tyner introduced Steve Delaney and Molly Murphy with the Orange County Employees Retirement System (OCERS) who provided a PowerPoint Presentation regarding pension updates.

Information Item.

REPORTS:

Chair Gallagher indicated that the Directors would receive talking points tomorrow regarding OC San activities to assist while reporting out to their councils, boards, and community groups. He reminded the Directors that OC San would be holding the September Committee and Board meetings in the new Headquarters building. He stated that OC San would also capture an annual picture of the Board of Directors in September.

Chair Gallagher announced that the front exit gate is currently closed for work related to the Headworks Rehabilitation project and instructed the Directors to exit out of the Purchasing gate.

General Manager Rob Thompson reported that he had attended the CASA conference and participated on a PFAS panel where he discussed the SCWO project and introduced OC San's intent to explore deep well injection.

He further reported that he presented at the Fullerton Rotary Club and Sustain SoCal - Water Solutions 9 Conference; and gave tours to the San Diego Public Utilities Department and the Orange County Grand Jury. Mr. Thompson also reported that he attended the State of the County in Newport Beach and visited LA County City's Terminal Island along with the Board Chair, Vice-Chair, and a team of OC San staff to see a deep well injection demonstration.

Mr. Thompson stated that in his absence, Director of Communications Jennifer Cabral provided OC San's new legal team a facility tour.

Mr. Thompson reported that he had attended the CASA Strategic Planning Session, where he encouraged the group to think more broadly. He suggested they expand their focus beyond wastewater to consider the circular impacts on water, air, and land.

PUBLIC HEARING:**3. COLLECTION OF SEWER SERVICE CHARGES VIA THE TAX ROLL [2024-3699](#)**

Originator: Wally Ritchie

Chair Gallagher opened the public hearing at 6:39 p.m. Director of Finance Wally Ritchie and Finance Manager Ruth Zintzun provided a brief staff report; Clerk of the Board Kelly Lore stated there were no written comment(s) in objection; and with no other comment or objection, Chair Gallagher closed the public hearing at 6:40 p.m.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Conduct a public hearing to receive input on a report filed with the Clerk of the Board entitled: "Sewer Service Charges for Collection on Tax Rolls for Fiscal Year 2024-25":
1. Open the Public Hearing
 2. Receive staff report and recommendations
 3. Report of written communications by Clerk of the Board
 4. Public Comment
 5. Close Public Hearing
 6. Discussion by Board of Directors;
- B. Unless there is a majority protest, adopt the Report, which has the assessor's parcel numbers and amount of charges for collection on the tax rolls;
- C. Adopt Resolution No. OC SAN 24-11 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District adopting the Report proposing to collect Sewer Service Fees on the Tax Roll for Fiscal Year 2024/2025";
- D. Authorize execution of the "Certification of Assessment";
- E. Direct staff to file a certified copy of the adopted Resolution, Report, and the Certification of Assessment with the County Auditor-Controller; and
- F. Direct staff to coordinate collection of sanitary sewer service charges on the general Orange County tax rolls with the County Auditor-Controller, Assessor, and Tax Collector.

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

NOES: None

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

ABSTENTIONS: None

CONSENT CALENDAR:

4. APPROVAL OF MINUTES

[2024-3774](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve minutes of the Regular meeting of the Board of Directors held July 24, 2024.

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

NOES: None

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

ABSTENTIONS: None

5. 2024 CONFLICT OF INTEREST CODE

[2024-3549](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 24-12 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District adopting a Conflict of Interest Code which supersedes all prior Conflict of Interest Codes and amendments previously adopted".

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

NOES: None

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

ABSTENTIONS: None

**6. TREASURER'S REPORT FOR THE FOURTH QUARTER ENDED
JUNE 30, 2024**

[2024-3715](#)

Originator: Wally Ritchie

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District Fourth Quarter Treasurer’s Report for the period ended June 30, 2024.

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

NOES: None

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

ABSTENTIONS: None

7. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST [2024-3754](#)

Originator: Wally Ritchie

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 April 1, 2024 to June 30, 2024; and
- B. Approve the following additions to the pre-approved Original Equipment Manufacturers (OEM) Sole Source List:
 - CALIFORNIA TRUCK EQUIPMENT COMPANY (CTEC) - Service Truck Tool Box Storage Systems
 - INTEGRATED TURBO MACHINERY - Maintenance, Repairs, and Service of Steam Turbine Multi-Stage Rotor
 - NETZSCH - Pumps, Parts, and Service
 - XYLEM (SANITAIRE) - Diffused Aeration Equipment and Parts
 - YORKE ENGINEERING, LLC. - Air Quality Consulting Services for Supercritical Water Oxidation (SCWO) Pilot Project

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

NOES: None

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

ABSTENTIONS: None

RECEIVE AND FILE:**8. COMMITTEE MEETING MINUTES**[2024-3480](#)**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

Minutes of the Steering Committee Meeting held June 26, 2024.

9. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF JULY 2024[2024-3721](#)**Originator:** Wally Ritchie

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

OPERATIONS COMMITTEE:

None.

ADMINISTRATION COMMITTEE:

None.

STEERING COMMITTEE:**10. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF JULY 2024**[2024-3779](#)**Originator:** Jennifer Cabral

MOVED, SECONDED, AND DULY CARRIED TO:

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

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)**NOES:** None**ABSENT:** Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda**ABSTENTIONS:** None

11. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF JULY 2024 [2024-3780](#)

Originator: Jennifer Cabral

MOVED, SECONDED, AND DULY CARRIED TO:

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

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

NOES: None

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

ABSTENTIONS: None

12. BAY BRIDGE PUMP STATION REPLACEMENT, PROJECT NO. 5-67 [2024-3781](#)

Originator: Mike Dorman

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a Project Specific Maintenance Agreement with the California Department of Transportation (Caltrans) for the construction and maintenance of force mains, drainage pipes, retaining wall, sidewalk, curb and gutter hardscape, and landscaping within the Caltrans right-of-way for the Bay Bridge Pump Station Replacement, Project No. 5-67.

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

NOES: None

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

ABSTENTIONS: None

13. BAY BRIDGE PUMP STATION REPLACEMENT, PROJECT NO. 5-67 [2024-3782](#)

Originator: Mike Dorman

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Utility Permit Agreement with the County of Orange for installing force mains under the Lower Newport Bay Channel for the Bay Bridge Pump Station Replacement, Project No. 5-67; and
- B. Approve a one-time payment of \$5,000 to the County of Orange for fees associated with the Utility Permit Agreement.

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

NOES: None

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

ABSTENTIONS: None

NON-CONSENT:

14. UPDATE TO RULES OF PROCEDURE FOR THE CONDUCT OF BUSINESS OF THE ORANGE COUNTY SANITATION DISTRICT [2024-3783](#)

Originator: Jennifer Cabral

Chair Gallagher provided an update regarding the Rules of Procedure for the Conduct of Business.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve moving the consideration of legislative and public affairs matters from the Steering Committee to the Administration Committee; and
- B. Adopt Resolution No. OC SAN 24-09 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District establishing Rules of Procedure for the Conduct of Business of the Orange County Sanitation District, and repealing Resolution No. OC SAN 22-37".

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

NOES: None

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

ABSTENTIONS: None

General Manager Thompson left the meeting during the discussion and vote on this item.

15. GENERAL MANAGER’S COMPENSATION AND BENEFITS

[2024-3784](#)

Originator: Laura Maravilla

Director of Human Resources Laura Maravilla provided a brief overview of the item.

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 24-10 entitled: “A Resolution of the Board of Directors of the Orange County Sanitation District approving a salary increase and salary range adjustment for the General Manager for Fiscal Year 2024/2025.” The increase consists of a salary range adjustment and corresponding salary increase of 7.3%, effective in the first pay period of July 2024.

AYES: Brad Avery, Debbie Baker, Pat Burns, Doug Chaffee, Jon Dumitru, Stephen Faessel, Ryan Gallagher, Johnathan Ryan Hernandez, Stephanie Klopfenstein, Christine Marick, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Schelly Sustarsic, Chad Wanke, Bruce Whitaker, John Withers, Ted Bui (Alternate) and Tom Lindsey (Alternate)

NOES: None

ABSENT: Joyce Ahn, Rose Espinoza, Farrah Khan and Jordan Nefulda

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Vice-Chair Jon Dumitru and Directors Pat Burns, Stephen Faessel, and Dave Shawver provided a report on their recent attendance at various Regional Board Meetings.

CLOSED SESSION:

CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(1) & 54957.6.

The Board convened in closed session at 6:49 p.m. Confidential minutes of the Closed Sessions have been prepared in accordance with the above Government Code Sections and are maintained by the Clerk of the Board in the Official Book of Confidential Minutes of Board and Committee Closed Session meetings.

**CS-1 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2024-3785](#)
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Number of Cases: 1

BKK Working Group, et al. v. Albertsons Companies, Inc., et al., United States District Court Central District of California, Court Case No. 2:18-CV-05836-MWF(PLAx).

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2024-3786](#)
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Number of Cases: 1

Orange County Sanitation District, a public entity v. Bayside Village Marina, LLC, a limited liability company; Laguna Beach County Water District, a public entity; and Does 1-100, inclusive; and all Persons Unknown Claiming an Interest in the Property, Superior Court of California, County of Orange, Case No. 30-2022-01251890.

**CS-3 CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT [2024-3787](#)
CODE SECTION 54957.6**

CONVENED IN CLOSED SESSION:

Designated Representatives: General Manager Robert Thompson, Assistant General Manager Lorenzo Tyner, and Director of Human Resources Laura Maravilla.

Employee Organizations: (3)

International Union of Operating Engineers, Local 501; Orange County Employees Association; and the Supervisory and Professional Management Group.

Unrepresented Employees: (3)

Confidential Group; Managers Group; and Executive Managers Group

RECONVENE IN REGULAR SESSION.

The Board reconvened in regular session at 7:30 p.m.

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

General Counsel Scott Smith did not provide a report.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 7:32 p.m., Chair Gallagher adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, September 25, 2024 at 6:00 p.m.

Submitted by:



Kelly A. Lore, MMC
Clerk of the Board