

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

MARCH 25, 2020



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

**MEETING HELD TELEPHONICALLY IN ACCORDANCE WITH THE
GOVERNOR'S EXECUTIVE ORDER NO. N-29-20, DUE TO THE
CORONAVIRUS PANDEMIC (COVID-19)**

CALL TO ORDER

A regular meeting of the Board of Directors of the Orange County Sanitation District was called to order by Board Chairman David Shawver on March 25, 2020 at 6:04 p.m. in the Administration Building. Director Richard Murphy delivered the invocation and led the Pledge of Allegiance. Chair Shawver announced that the meeting was held telephonically in accordance with the Governor's Executive Order No. N-29-20, due to the Coronavirus Pandemic (COVID-19).

The Clerk of the Board announced the teleconference meeting guidelines and stated that votes will be taken by roll call.

ROLL CALL AND DECLARATION OF QUORUM

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

PRESENT: Brad Avery, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Donald Wagner (Alternate)

ABSENT: Allan Bernstein

STAFF MEMBERS PRESENT: Jim Herberg, General Manager; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Kelly Lore, Clerk of the Board; Brian Engeln; and Tina Knapp.

OTHERS PRESENT: Brad Hogin (General Counsel).

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:

None.

REPORTS:

Chair Shawver announced the cancellation of the Committee meetings in April due to a lack of urgent/critical items and staff telecommuting from home or working on prioritized Plant operations. He stated that all items that were scheduled for April committees will be heard at the Steering and Board meetings of April 22.

Mr. Herberg provided an update on OCSD operations in response to COVID-19, noting the following:

- Onsite staff has been reduced significantly. Approximately half of employees remain onsite and are performing critical on-site job functions. The majority are working in the laboratory, treatment plants, and the collections system.
- Operations continue to run in a normal state with all critical infrastructure online and available.
- Construction on public work projects continues as scheduled.
- No permit or regulatory issues to-date.
- Monitoring the situation daily and following all the recommendations of the CDC, the Orange County Healthcare Agency, and the Governor.
- Will continue to provide updates as the situation evolves.

CONSENT CALENDAR:**1. APPROVAL OF MINUTES**[2020-968](#)**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Meeting of the Board of Directors held February 26 2020.

AYES: Brad Avery, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Steve Nagel, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc**NOES:** None**ABSENT:** Allan Bernstein and Andrew Nguyen**ABSTENTIONS:** Donald Wagner (Alternate)**RECEIVE AND FILE:****2. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF FEBRUARY 2020**[2020-905](#)**Originator:** Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE:

Report of the Investment Transactions for the month of February 2020.

3. COMMITTEE MEETING MINUTES[2020-962](#)**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE:

- A. Minutes of the Steering Committee Meeting held January 22, 2020
- B. Minutes of the Operations Committee Meeting held February 5, 2020
- C. Minutes of the Legislative and Public Affairs Committee held February 10, 2020
- D. Minutes of the Administration Committee Meeting held February 19, 2020

OPERATIONS COMMITTEE:

4. HEADWORKS EXPLOSIVE GAS MONITORING SYSTEMS AT PLANT NOS. 1 AND 2, PROJECT NO. FE18-11 [2020-963](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Headworks Explosive Gas Monitoring Systems at Plant Nos. 1 and 2, Project No. FE18-11;
- B. Ratify withdrawal of low bid from RP Controls at its request due to an inadvertent bid error and omission made by RP Controls and its equipment supplier regarding the contract design requirements and return of its bid security as allowed under Public Contract Code §5100 et seq.;
- C. Award Construction Contract to Baker Electric, Inc. for Headworks Explosive Gas Monitoring Systems at Plant Nos. 1 and 2, Project No. FE18-11, for a total amount not to exceed \$223,984; and
- D. Approve a contingency of \$22,398 (10%).

AYES: Brad Avery, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Donald Wagner (Alternate)

NOES: None

ABSENT: Allan Bernstein

ABSTENTIONS: None

5. REDHILL RELIEF SEWER RELOCATION AT STATE ROUTE 55, PROJECT NO. FE18-13 [2020-964](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Utility Agreement No. OCSD-1005 between the Orange County Sanitation District and the Orange County Transportation Authority agreeing to specific terms, conditions, and funding obligations regarding the relocation and protection of the Redhill Relief Sewer at State Route 55 in the City of Santa Ana.

AYES: Brad Avery, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Donald Wagner (Alternate)

NOES: None

ABSENT: Allan Bernstein

ABSTENTIONS: None

6. OCEAN OUTFALL CONDITION ASSESSMENT AND SCOPING STUDY, PROJECT NO. PS18-09 [2020-965](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Services Agreement with Carollo Engineers, Inc. to provide engineering services for the Ocean Outfall Condition Assessment and Scoping Study, Project No. PS18-09, for an amount not to exceed \$2,744,000; and

B. Approve a contingency of \$274,400 (10%).

AYES: Brad Avery, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Donald Wagner (Alternate)

NOES: None

ABSENT: Allan Bernstein

ABSTENTIONS: None

7. ELECTRICAL POWER DISTRIBUTION SYSTEM IMPROVEMENTS, PROJECT NO. J-98 [2020-966](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Services Agreement with SEL Engineering Services, Inc. to provide final design, programming, testing, commissioning, and training for a load-shedding system and electrical power protective relay system for Electrical Power Distribution System Improvements, Project No. J-98, for a total amount not to exceed \$1,296,878; and

B. Approve a contingency of \$129,687 (10%).

AYES: Brad Avery, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Donald Wagner (Alternate)

NOES: None

ABSENT: Allan Bernstein

ABSTENTIONS: None

ADMINISTRATION COMMITTEE:

8. ORANGE COUNTY SANITATION DISTRICT ASSET MANAGEMENT PROGRAM [2020-987](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District Asset Management Program report.

AYES: Brad Avery, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Donald Wagner (Alternate)

NOES: None

ABSENT: Allan Bernstein

ABSTENTIONS: None

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

9. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF FEBRUARY 2020 [2020-977](#)

Originator: Jim Herberg

WITHOUT OBJECTION ACTION TAKEN TO:

Receive and file the Public Affairs Update for the month of February 2020.

10. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF FEBRUARY 2020 [2020-978](#)

Originator: Jim Herberg

WITHOUT OBJECTION ACTION TAKEN TO:

Receive and file the Legislative Affairs Update for the month of February 2020.

11. COMMUNICATIONS AUDIT REPORT [2020-979](#)

Originator: Jim Herberg

WITHOUT OBJECTION ACTION TAKEN TO:

Receive and file the Communications Audit Report.

STEERING COMMITTEE:

12. RESOLUTION GRANTING EMERGENCY POWER TO THE GENERAL MANAGER IN THE EVENT THE PUBLIC HEALTH AND SAFETY IS ENDANGERED DUE TO A DISRUPTION OF SEWER SERVICE [2020-998](#)

Originator: Lorenzo Tyner

Chair Shawver stated that the Steering Committee had approved this Resolution and also instructed the General Manager to immediately notify the Board of Directors of any changes that are made to Board-approved policies and procedures or resolution, and to keep a running log of such changes.

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OCSD 20-01 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District, Granting Emergency Power to the General Manager in the Event the Public Health and Safety is Endangered due to a disruption of Sewer Service; and repealing Resolution No. 75-160".

AYES: Brad Avery, Robert Collacott, James Ferryman, Cecilia Iglesias, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Donald Wagner (Alternate)

NOES: None

ABSENT: Allan Bernstein and Richard Murphy

ABSTENTIONS: None

NON-CONSENT:

None.

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

None.

CLOSED SESSION:**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):**

The Board convened in closed session at 6:20 p.m. to discuss one item with two cases. Confidential minutes of the Closed Session have been prepared in accordance with the above Government Code Section 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 ANTICIPATED
LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2)**

[2020-972](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 2

Claim for damages from Ignacio Castro and claim for damages from Arlen Blazevic

RECONVENED IN REGULAR SESSION.

The Board reconvened in regular session at 6:31 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:

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

Chair Shawver said a few remarks about former Board Member Al Krippner who recently passed away and stated that he would adjourn the meeting in memory of him.

At 6:33 p.m., Chair Shawver adjourned the meeting until the Regular Meeting of the Board of Directors to be held on April 22, 2020 at 6:00 p.m. in memory of former Board Member Al Krippner.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board