

**ORANGE COUNTY SANITATION DISTRICT**

**MINUTES**

**SPECIAL MEETING**

**BOARD OF DIRECTORS**

**DECEMBER 15, 2022**



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

**CALL TO ORDER**

A special meeting of the Board of Directors of the Orange County Sanitation District was called to order by Board Chairman Chad Wanke on Thursday, December 15, 2022 at 6:02 p.m. in the Administration Building of the Orange County Sanitation District. Director Stephen Faessel 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:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**STAFF PRESENT:** Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Kelly Lore, Clerk of the Board; and Mo Abiodun were present in the Board Room. Jim Herberg, 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; Andrew Brown; Jennifer Cabral; Tanya Chong; Raul Cuellar; Daisy Covarrubias; Mike Dorman; Justin Fenton; Tina Knapp; Rob Michaels; Michael Morey; Cindy Murra; Nasrin Nasrollahi; Valerie Ratto; Wally Ritchie; Kevin Schuler; Todd Waltz; Eros Yong; and Ruth Zintzun were present telephonically.

**OTHERS PRESENT:** Brad Hogin, General Counsel, was present in the Board Room. Robert Collacott, Brooke Jones, Anni Larkins, Glenn Parker, and Robbie Pitts were present telephonically.

**PUBLIC COMMENTS:**

None.

Chair Wanke announced that Item No. 28 would be heard after Closed Session.

**SPECIAL PRESENTATIONS:****1. COMMENDATIONS TO OUTGOING BOARD MEMBERS**[2022-2598](#)

**Originator:** Kelly Lore

Chair Wanke presented Commendations to the following:

Special Presentation:

Outgoing Board Members & Alternate Members

<b>CITY</b>	<b>DIRECTOR</b>	<b>ALTERNATE DIRECTOR</b>
Anaheim		Gloria Ma'ae
Brea	Glenn Parker	
Cypress	Paulo Morales	
Fullerton	Jesus Silva	
Huntington Beach	Kim Carr	
Irvine	Anthony Kuo	
Newport Beach		Joy Brenner
Orange	Kim Nichols	Chip Monaco
Santa Ana		Nelida Mendoza
Villa Park	Chad Zimmerman	Robert Collacott
Yorba Linda Water District	Brooke Jones	

## 2. **EMPLOYEE SERVICE AWARDS**

[2022-2643](#)

**Originator:** Kelly Lore

Chair Wanke stated that Dawn Myers could not be in attendance but thanked her for her dedication and service. Director of Operations and Maintenance Riaz Moinuddin presented the 20-year Service Award to Michael Morey.

Chair Wanke acknowledged the following:

### **25-year Service Award**

Dawn Myers, Senior Environmental Specialist - Division 630

### **20-year Service Award**

Michael Morey, Senior Plant Operator - Division 840

## **REPORTS:**

Chair Wanke announced his appointment of Director Marshall Goodman as the Operations Committee Chair; and welcomed new Board member Christine Marick from the City of Brea.

Chair Wanke stated that the Directors would receive talking points tomorrow for the purpose of reporting out to their city councils, boards, and community groups.

Chair Wanke reminded the Board of OC San's Administrative Offices holiday closures on December 23, December 26, and January 2; and stated that the Operations and Administration Committees are dark in the month of January.

General Manager Jim Herberg provided an update on the Newport Beach Lido Pump Station spill which occurred on Friday, November 4. He stated that after video inspection revealed a hole in the pipe, an emergency was declared to excavate and repair the damaged force main. OC San coordinated with the City of Newport Beach and excavation began on November 28 and an 8-foot section of pipe was replaced. The final determination revealed that the hole in the pipe was caused by internal corrosion. Repairs and area restoration are now complete.

Mr. Herberg stated that he and Assistant General Manager Rob Thompson, along with OCWD, recently participated in a PBS docuseries on the Groundwater Replenishment System. The show will be broadcasted in the spring.

Mr. Herberg reminded the Board that the Governors Emergency Order expires at the end of February and OC San plans to have the Committee and Board meetings return to in person starting with the Operations Committee meeting March 1.

### **CONSENT CALENDAR:**

#### **3. APPROVAL OF MINUTES**

[2022-2641](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Special Board of Directors Meeting held November 15, 2022 and the Regular Board of Directors Meeting held November 16, 2022.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** Tom Lindsey (Alternate)

#### **4. EMERGENCY DECLARATION FOR LIDO PUMP STATION EAST FORCE MAIN REPAIR**

[2022-2665](#)

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Ratify approval of an Emergency Repair Purchase Order Contract to Charles King Company for Lido Pump Station East Force Main Emergency Repair, Project No. FRC-0019, for an amount not to exceed \$215,000;
- B. Approve a contingency of \$15,000 (7%); and
- C. Find that Lido Pump Station East Force Main Emergency Repair, Project No. FRC-0019, is exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations Section 15301 and authorize staff to file a Notice of Exemption with the OC Clerk-Recorder.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** Tom Lindsey (Alternate)

**RECEIVE AND FILE:**

**5. COMMITTEE MEETING MINUTES**

[2022-2067](#)

**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 12, 2022
- B. Minutes of the Administration Committee Meeting held October 12, 2022
- C. Minutes of the Steering Committee Meeting held October 26, 2022
- D. Minutes of the Operations Committee Meeting held November 2, 2022

**6. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF NOVEMBER 2022**

[2022-2391](#)

**Originator:** Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

**OPERATIONS COMMITTEE:****7. VFD REPLACEMENTS AT PLANT NO. 1, PROJECT NO. FR1-0011 [2022-2666](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for VFD Replacements at Plant No. 1, Project No. FR1-0011;
- B. Award a Construction Contract to ACS Engineering, Inc. for VFD Replacements at Plant No. 1, Project No. FR1-0011, for a total amount not to exceed \$1,214,888;
- C. Approve a contingency of \$121,488 (10%); and
- D. Find that VFD Replacements at Plant No. 1, Project No. FR1-0011 is exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations Section 15301 and authorize staff to file a Notice of Exemption with the OC Clerk-Recorder.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**8. ENGINEERING PROGRAM CONTRACT PERFORMANCE REPORT [2022-2667](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

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

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**9. LIQUID OXYGEN TANK A REPLACEMENT AT PLANT NO. 2 (FE21-07), SPECIFICATION NO. S-2022-1345BD** [2022-2668](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a General Services Contract with J.R. Filanc Construction Company, Inc. to provide the Liquid Oxygen Tank A Replacement at Plant No. 2 (FE21-07), Specification No. S-2022-1345BD for a total amount not to exceed \$2,608,007;
- B. Approve a contingency in the amount of \$260,801 (10%); and
- C. Find that Liquid Oxygen Tank A Replacement at Plant No. 2 (FE21-07), Specification No. S-2022-1345BD is exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations Section 15301 and authorize staff to file a Notice of Exemption with the OC Clerk-Recorder.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**10. CENGEN SMOKE DETECTION IMPROVEMENTS AT PLANT NO. 1 AND NO. 2, PROJECT NO. FE20-09** [2022-2669](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for CenGen Smoke Detection Improvements at Plant No. 1 and No. 2, Project No. FE20-09;
- B. Award a Construction Contract to ADT Commercial, LLC, for CenGen Smoke Detection Improvements at Plant No. 1 and No. 2, Project No. FE20-09, for a total amount not to exceed \$313,000;
- C. Approve a contingency of \$31,300 (10%); and
- D. Find that CenGen Smoke Detection Improvements at Plant No. 1 and No. 2, Project No. FE20-09, is exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations Section 15301 and authorize staff to file a Notice of Exemption with the OC Clerk-Recorder.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**11. RETURN ACTIVATED SLUDGE DISCHARGE PIPING REPLACEMENT [2022-2670](#)  
AT ACTIVATED SLUDGE PLANT NO. 1, PROJECT NO. FE20-03**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Return Activated Sludge Discharge Piping Replacement at Activated Sludge Plant No. 1, Project No. FE20-03;
- B. Award a Construction Contract to GSE Construction Company Inc. for Return Activated Sludge Discharge Piping Replacement at Activated Sludge Plant No. 1, Project No. FE20-03, for a total amount not to exceed \$3,985,400;
- C. Approve a contingency of \$398,540 (10%); and
- D. Find that Return Activated Sludge Discharge Piping Replacement at Activated Sludge Plant No. 1, Project No. FE20-03 is exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations Section 15301 and authorize staff to file a Notice of Exemption with the OC Clerk-Recorder.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**12. ORANGE COUNTY SANITATION DISTRICT 2022 ASSET MANAGEMENT PLAN [2022-2671](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt the Orange County Sanitation District 2022 Asset Management Plan.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**13. SUPERCRITICAL WATER OXIDATION DEMONSTRATION AT PLANT NO. 1, PROJECT NO. RE21-01 [2022-2672](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Supercritical Water Oxidation Demonstration at Plant No. 1, Project No. RE21-01;
- B. Award a Construction Contract to Garney Pacific, Inc. for Supercritical Water Oxidation Demonstration at Plant No. 1, Project No. RE21-01, for a total amount not to exceed \$1,172,000;
- C. Approve a contingency of \$117,200 (10%); and
- D. Ratify that Supercritical Water Oxidation Demonstration at Plant No. 1, Project No. RE21-01 was previously approved and found to be exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations Section 15301 and staff filed a Notice of Exemption with the OC Clerk-Recorder on November 23, 2021.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**14. TPAD DIGESTER FACILITY AT PLANT NO. 2, PROJECT NO. P2-128 [2022-2673](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Consider, receive, and file the Addendum to the Final Program Environmental Impact report for Biosolids Master Plan for Project No. P2-128; and
- B. Approve the project modifications as identified and described in the Addendum to the Final Program Environmental Impact report for Biosolids Master Plan for Project No. P2-128 (Chapter 4.0, Table 2, pages 8).

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**15. UNINTERRUPTIBLE POWER SUPPLY IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. P1-132** [2022-2674](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Uninterruptible Power Supply Improvements at Plant No. 1, Project No. P1-132;
- B. Approve a project budget increase of \$2,600,000 for Uninterruptible Power Supply Improvements at Plant No. 1, Project No. P1-132, for a new total project budget of \$9,600,000;
- C. Award a Construction Contract to LEED Electric, Inc. for Uninterruptible Power Supply Improvements at Plant No. 1, Project No. P1-132 for an amount not to exceed \$5,765,789;
- D. Approve a contingency of \$576,579 (10%); and
- E. Ratify that Uninterruptible Power Supply Improvements at Plant No. 1, Project No. P1-132 is exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations Section 15301 and staff filed a Notice of Exemption with the OC Clerk-Recorder.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**16. OPERATIONS AND MAINTENANCE FACILITY IMPROVEMENTS AT PLANT NO. 2, PROJECT NO. P2-138** [2022-2675](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Design Services Agreement with Stantec Architecture Inc. to provide engineering services for Operations and Maintenance Facility Improvements at Plant No. 2, Project No. P2-138, for an amount not to exceed \$7,914,529; and
- B. Approve a contingency of \$791,453 (10%).

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**17. ACTIVATED SLUDGE-1 AND SECONDARY CLARIFIER REHABILITATION, PROJECT NO. P1-140 [2022-2676](#)**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Design Services Agreement with HDR Engineering, Inc., to provide engineering services for Activated Sludge-1 and Secondary Clarifier Rehabilitation, Project No. P1-140, for an amount not to exceed \$18,462,443;
- B. Approve a contingency of \$1,846,244 (10%); and
- C. Find that Activated Sludge-1 and Secondary Clarifier Rehabilitation, Project No. P1-140 is exempt from CEQA under the Class 1 categorical exemptions set forth in California Code of Regulations Section 15301 authorize staff to file a Notice of Exemption with the OC Clerk-Recorder.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**ADMINISTRATION COMMITTEE:**

**18. INVEST AND/OR REINVEST ORANGE COUNTY SANITATION DISTRICT'S FUNDS AND ADOPT INVESTMENT POLICY STATEMENT [2022-2677](#)**

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-36, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Authorizing the Orange County Sanitation District's Treasurer to Invest and/or Reinvest the Orange County Sanitation District's Funds, Adopting the Orange County Sanitation District's Investment Policy Statement and Performance Benchmarks, and Repealing Resolution No. OC SAN 21-22".

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**19. CONTRACTING AQUATIC BIOASSAY & CONSULTING LABORATORIES, INC. FOR TAXONOMIC SERVICES** [2022-2678](#)

**Originator:** Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a General Services Contract to Aquatic Bioassay & Consulting Laboratories, Inc. to provide services for sample processing and taxonomic identification of ocean bottom-dwelling animals as required by Orange County Sanitation District's NPDES ocean discharge permit, Specification No. S-2022-1366BD, for a total amount not to exceed \$200,000 for the period beginning March 1, 2023, through February 29, 2024, with four (4) one-year renewal options; and

B. Approve an annual contingency of \$20,000 (10%).

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**20. INTERNET FIREWALL UPGRADE** [2022-2679](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file bid tabulation for Fortigate Firewall Upgrade, Specification No. E-2022-1363BD;
- B. Receive and file first Notice of Intent to Award dated October 13, 2022;
- C. Receive and file protest letter received from NH&A, LLC dated October 13, 2022 concerning the award to Xpert Solutions, Inc.;
- D. Receive and file second Notice of Intent to Award dated October 14, 2022;
- E. Receive and file second protest letter received from Xpert Solutions, Inc. dated October 18, 2022 concerning the award to NH&A, LLC;
- F. Receive and file Orange County Sanitation District's Protest Response Letter dated October 31, 2022;
- G. Approve a Purchase Order Contract to NH&A, LLC for the purchase of Fortigate Firewall Upgrade, Specification No. E-2022-1363BD, for a total amount not to exceed \$226,698 plus applicable sales tax;
- H. Approve four (4) optional one-year renewals for maintenance and support for an annual amount not to exceed \$80,458 plus applicable sales tax; and
- I. Approve a contingency of \$22,670 (10%) for the purchase upgrades and subsequent renewals.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**21. NEW HEADQUARTERS AND INDUSTRIAL CONTROL SYSTEM  
NETWORK EQUIPMENT**

[2022-2680](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Purchase Order to ePlus Technology, Inc. for the purchase of information technology hardware (New Headquarters & Industrial Control System Network Equipment), Specification No. E-2022-1360BD, for a total amount not to exceed \$428,865, plus applicable sales tax and shipping; and
- B. Approve a contingency in the amount of \$42,886 (10%).

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**22. ORANGE COUNTY SANITATION DISTRICT WASTEWATER REVENUE PROGRAM RATE STUDY [2022-2681](#)**

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District’s 2022 Wastewater Rates, Fees, and Charges Study completed by HDR Engineering, Inc.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**23. PROPOSITION 218 NOTIFICATIONS [2022-2682](#)**

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Direct staff to prepare and mail Proposition 218 compliant notifications to affected property owners outlining a five-year regional sewer service fee schedule with annual increases of approximately 3.5 percent for fiscal years 2023-24 through 2027-28; and
- B. Authorize the General Manager to select a service provider for preparing, printing, and mailing the Proposition 218 compliant notifications and execute a Purchase Order for an amount not to exceed \$370,000.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**24. DENALI WATER SOLUTIONS, LLC BIOSOLIDS HAULING SERVICES [2022-2683](#)  
- SPECIFICATION NO. S-2020-1208BD - CONTINGENCY INCREASE**

**Originator:** Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

Approve an additional 10% unit price per ton contingency (for a total of 20% unit price per ton contingency) for Denali Water Solutions, LLC Biosolids Hauling Services Specification No. S-2020-1208BD contract renewal to collect and haul Orange County Sanitation District’s biosolids to the Inland Empire Regional Composting Facility and alternative sites for the period between January 1, 2023 through December 31, 2023.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**

None.

**STEERING COMMITTEE:****25. GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON**[2022-2686](#)**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Authorize the Orange County Sanitation District to grant an easement to Southern California Edison (Document ID. TD1820057) for purposes of installation of underground electrical lines for the construction of the new pedestrian bridge to the Headquarters Complex at the corner of Ellis Avenue and Bandilier Circle in the City of Fountain Valley, APN No. 156-181-02, in a form approved by General Counsel.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)**NOES:** None**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner**ABSTENTIONS:** None**26. LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE**[2022-2687](#)**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve the sunseting of the Legislative and Public Affairs Committee, and move the consideration of legislative and public affairs matters to the Steering Committee; and

B. Adopt Resolution No. OC SAN 22-37 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District establishing Rules of the Procedure for the Conduct of Business of the Orange County Sanitation District; and repealing Resolution No. OC SAN 21-04".

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)**NOES:** None**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner**ABSTENTIONS:** None

**NON-CONSENT:****27. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS [2022-2642](#)**

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-38 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:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**29. PAYMENT OF ANNUAL NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES) PERMIT FEES [2023-2694](#)**

**Originator:** Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

Approve payment of \$828,779 for the annual National Pollutant Discharge Elimination System (NPDES) ocean discharge permit fees for Fiscal Year 2022-2023.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**INFORMATION ITEMS:**

None.

**AB 1234 DISCLOSURE REPORTS:**

None.

**CLOSED SESSION:****CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54957(a), 54957(b)(1) & 54956.9(d)(2).**

The Board convened in closed session at 6:26 p.m. Item No. CS-4 was not heard. 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 ANTICIPATED [2022-2688](#)  
LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2)**

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Claim received from OHL USA, Inc. re Contract No. 2-72 & 2-72C Newhope-Placentia Trunk Sewer Project.

**CS-2 THREAT TO PUBLIC SERVICES OR FACILITIES - GOVERNMENT [2022-2689](#)  
CODE SECTION 54957(a)**

CONVENED IN CLOSED SESSION:

Conference with Information Technology Systems & Operations Manager regarding cyber security.

**CS-3 PUBLIC EMPLOYMENT - GOVERNMENT CODE SECTION 54957(b) [2022-2690](#)  
(1)**

**Originator:** Kelly Lore

CONVENED IN CLOSED SESSION:

Public Employment

Title: Appointment of General Manager.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

**CS-4 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2022-2691](#)  
GOVERNMENT CODE SECTION 54956.9(d)(1)**

DID NOT CONVENE IN CLOSED SESSION:

Number of Cases: 2

- A. Bayside Village Marina, LLC v. Orange County Sanitation District; Orange County Sanitation District Board of Directors; and Does 1-25, Inclusive, Superior Court of the State of California for the County of Orange - Central Justice Center Case No. 30-2021-01194238-CU-WM-CXC.
- B. 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.

**RECONVENED IN REGULAR SESSION.**

The Board reconvened in regular session at 6:55 p.m.

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

General Counsel Brad Hogin reported that the Board of Directors voted unanimously in Closed Session to appoint Assistant General Manager Rob Thompson to the position of General Manager subject only to the consideration and discussion of compensation by the full Board in open session in January, and Mr. Thompson's acceptance of the offer.

**28. NEWHOPE-PLACENTIA TRUNK SEWER REPLACEMENT, PROJECT [2022-2663](#)  
NO. 2-72B & 2-72c**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive, file, and deny the claim submitted by OHL USA, Inc. (OHL) dated November 22, 2022 for Newhope-Placentia Trunk Sewer Replacement, Project Nos. 2-72B and 2-72C.

**AYES:** Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Christine Marick, Sandra Massa-Lavitt, Jordan Nefulda, Andrew Nguyen, David Shawver, Chad Wanke, John Withers, Dan Kalmick (Alternate), Farrah Khan, Tom Lindsey (Alternate) and Connor Traut (Alternate)

**NOES:** None

**ABSENT:** Brad Avery, Rose Espinoza, Johnathan Ryan Hernandez, Steve Jones, Kim Nichols, Robert Ooten and Donald Wagner

**ABSTENTIONS:** None

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

None.

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

None.

**ADJOURNMENT:**

At 6:58 p.m., Chair Wanke adjourned the Special Meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, January 25, 2023 at 6:00 p.m.

Submitted by:

\_\_\_\_\_  
Kelly A. Lore, MMC  
Clerk of the Board