

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

MARCH 24, 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 David Shawver on March 24, 2021 at 6:01 p.m. in the Administration Building. Chair Shawver 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). Director Stephen Faessel delivered the invocation and led the Pledge of Allegiance.

ROLL CALL AND DECLARATION OF QUORUM

Roll call was taken and a quorum was declared present, as follows:

PRESENT: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Johnathan Ryan Hernandez, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Schelly Sustarsic (Alternate)

ABSENT: Kim Nichols

STAFF MEMBERS PRESENT: Kelly Lore, Clerk of the Board and Joshua Martinez were present in the Board Room. Jim Herberg, General Manager; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Kathy Millea, Director of Engineering; Lan Wiborg, Director of Environmental Services; Laura Maravilla, HR & Risk Manager; Jennifer Cabral; Mortimer Caparas; Brian Engeln; Tina Knapp; Thomas Vu and Ruth Zintzun were in attendance telephonically.

OTHERS PRESENT: Brad Hogin, General Counsel was in attendance telephonically.

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:

Chair Shawver recognized Jeff Woodward, Operations Supervisor for his 30-years of service to OC San.

REPORTS:

Chair Shawver announced that as part of OC San's legislative outreach program, he and the Vice-Chairman will participate in virtual meetings with the Orange County Congressional Delegation beginning March 29 - April 7 to discuss current legislation, regulatory affairs, infrastructure, and funding opportunities.

Chair Shawver thanked the Board for attending the second Strategic Plan workshop and announced that the third and final workshop is scheduled for April 21 at 2pm. The four topics to be presented are: Constituents of Emerging Concern, Biosolids Management, Environmental Water Quality, Stormwater Management and Urban Runoff, and Food Waste Treatment.

Chair Shawver also announced that the Board Members would be receiving talking points tomorrow regarding OC San activities to assist in reporting out to their councils, boards, and community groups.

General Manager Jim Herberg provided a COVID-19 update. He reported that two employees tested positive for COVID-19 this week, and that of the 61 employees who have tested positive since May, all but two have been medically cleared and returned to work.

Mr. Herberg also reported that OC San worked with the County of Orange Health Care Agency, along with the Water Emergency Response Organization of Orange County (WEROC), to ensure that Water and Wastewater was considered in the top tier for vaccine distribution. He stated that on March 12, OC San received notification that the State updated the eligibility for Tier 1B to include water and wastewater workers. OC San employees were notified and immediately began receiving vaccinations.

Mr. Herberg provided information and a timeline regarding the upcoming budget update process for Fiscal Year 2021-22. A series of monthly presentations on various aspects of the budget are currently underway with Board adoption scheduled for June 2021.

Director Hernandez appeared to have departed the meeting prior to the vote on Item No. 1.

CONSENT CALENDAR:

1. APPROVAL OF MINUTES

[2021-1476](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Special Meetings of the Board of Directors held February 17, 2021 and February 18, 2021; and of the Regular Meeting of the Board of Directors held February 24, 2021.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers and Chad Zimmerman

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: Rose Espinoza and Schelly Sustarsic (Alternate)

RECEIVE AND FILE:

2. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF FEBRUARY 2021

[2020-1329](#)

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

3. COMMITTEE MEETING MINUTES

[2021-1491](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the Steering Committee Meeting held January 27, 2021
- B. Minutes of the Operations Committee Meeting held February 3, 2021
- C. Minutes of the Legislative and Public Affairs Committee Meeting held February 8, 2021
- D. Minutes of the Administration Committee Meeting held February 10, 2021

OPERATIONS COMMITTEE:

4. BIOSOLIDS HAULING SERVICE CONTRACT

[2021-1523](#)

Originator: Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Service Contract to Denali Water Solutions, LLC to collect and haul Orange County Sanitation District's biosolids from Reclamation Plant No. 1 and/or Treatment Plant No. 2 to the Inland Empire Regional Composting Facility and alternative sites if needed for the period beginning May 12, 2021 through December 21, 2022, for the unit price of \$15.45 per ton of biosolids, plus fuel surcharges, for a total amount not to exceed \$600,000 per contract term, with four (4) one-year renewal options: and
- B. Approve a 10% unit price per ton contingency.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Schelly Sustarsic (Alternate)

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

5. HEADWORKS REHABILITATION AT PLANT NO. 1, PROJECT NO. P1-105

[2021-1524](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Headworks Rehabilitation at Plant No. 1, Project No. P1-105;
- B. Award a Construction Contract to Kiewit Infrastructure West Co. for Headworks Rehabilitation at Plant No. 1 for a total amount not to exceed \$222,330,000; and
- C. Approve a contingency of \$8,893,200 (4%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Schelly Sustarsic (Alternate)

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

**6. HEADWORKS REHABILITATION AT PLANT NO. 1, PROJECT NO. [2021-1525](#)
P1-105**

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Construction Services Agreement with Carollo Engineers, Inc. to provide construction support services for Headworks Rehabilitation at Plant No. 1, Project No. P1-105, for an amount not to exceed \$16,500,000; and
- B. Approve a contingency of \$1,650,000 (10%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Schelly Sustarsic (Alternate)

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

ADMINISTRATION COMMITTEE:**7. SETTLEMENT OF CLAIMS, COLLECTION OF DELINQUENT ACCOUNTS, AND WORKERS' COMPENSATION ACTIONS [2021-1541](#)**

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 21-05 entitled, "A Resolution of the Board of Directors of Orange County Sanitation District Adopting Procedures for Settlement of Claims Made Against the Orange County Sanitation District; Settlement of Claims Made By the Orange County Sanitation District; Collection of Delinquent Accounts Owing to the Orange County Sanitation District; Settlement of Civil or Administrative Enforcement Actions; and Settlement of Workers' Compensation Actions; and repealing Resolution No. OCSD 11-04".

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Schelly Sustarsic (Alternate)

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: Rose Espinoza

8. WASTEWATER REFUNDING REVENUE OBLIGATIONS, SERIES 2021A [2021-1542](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Authorize the General Manager to issue new fixed rate Certificates of Participation, to be referred to as Wastewater Refunding Revenue Obligations, in (1) an amount sufficient to refund \$102,200,000 of Revenue Refunding Certificate Anticipation Notes, Series 2018A maturing on August 15, 2021 and (2) an additional amount sufficient to refund, subject to market conditions, up to \$61,575,000 of Wastewater Refunding Revenue Obligations, Series 2011A.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Schelly Sustarsic (Alternate)

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: Rose Espinoza

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

9. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF FEBRUARY 2021 [2021-1539](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the month of February 2021.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Schelly Sustarsic (Alternate)

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

10. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF FEBRUARY 2021 [2021-1540](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the month of February 2021.

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Schelly Sustarsic (Alternate)

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

STEERING COMMITTEE:

11. AUTHORIZATION OF CONTRIBUTION TO CASA EDUCATION FOUNDATION SCHOLARSHIP FUND [2021-1559](#)

Originator: Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 21-06, entitled "A Resolution of the Board of Directors of the Orange County Sanitation District approving a not to exceed Annual contribution amount of \$2,500 to the California Association of Sanitation Agencies (CASA) Education Foundation Scholarship Fund beginning FY 2020-2021; and Repealing Resolution No. OCSD 15-22".

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Schelly Sustarsic (Alternate)

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

12. CENTRAL GENERATION ENGINE OVERHAUL AT PLANT NO. 1 [2021-1562](#)

Originator: Rob Thompson

In response to a request from Director Avery, Assistant General Manager Rob Thompson provided information regarding the item's urgency and showed a brief video clip depicting the rebuilt engine's failure.

MOVED, SECONDED, AND DULY CARRIED TO:

A. Award a Sole Source Service Contract to Cooper Machinery Services to provide a Central Generation Engine No. 1 Overhaul at Plant No. 1, per Proposal 210204-839, for a total amount not to exceed \$3,705,932; and

B. Approve a contingency of \$741,186 (20%).

AYES: Brad Avery, Stacy Berry, Art Brown, Kim Carr, Doug Chaffee, Mark Chirco, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Andrew Nguyen, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Chad Wanke, John Withers, Chad Zimmerman and Schelly Sustarsic (Alternate)

NOES: None

ABSENT: Johnathan Ryan Hernandez and Kim Nichols

ABSTENTIONS: None

NON-CONSENT:

None.

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Kim Carr provided an update of her attendance on March 9th at the NWRI Meeting where the updated financial report was discussed and the NWRI Director reported on various other topics.

Director Stephen Faessel provided an update on his recent attendance on March 2nd at the ISDOC meeting. The next scheduled meeting is April 29.

CLOSED SESSION:

None.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

Prior to adjournment, Chair Shawver provided information regarding former board member Bill Dalton who represented the City of Garden Grove and recently passed away.

At 6:31 p.m., Chair Shawver adjourned the meeting until the Regular Meeting of the Board of Directors to be held on April 21, 2021 at 2:00 p.m. in memory of former Board member Bill Dalton.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board