

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

AUGUST 24, 2022



**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 Chad Wanke on Wednesday, August 24, 2022 at 6:13 p.m. in the Administration Building of the Orange County Sanitation District. Vice-Chairman Ryan Gallagher 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: Ron Bates, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, 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 Connor Traut (Alternate)

ABSENT: Brad Avery, Patrick Harper and Donald Wagner

STAFF PRESENT: Jim Herberg, General Manager; Kelly Lore, Clerk of the Board; and Mo Abiodun were present in the Board Room. Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant 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; Stephanie Barron; Andrew Brown; Thys DeVries; Mike Dorman; Justin Fenton; Jennifer Cabral; Laurie Klinger; Tina Knapp; Andrew Nau; Valerie Ratto; Wally Ritchie; Frank Steiger; Eros Yong; and Ruth Zintzun were in attendance telephonically.

OTHERS PRESENT: Brad Hogin, General Counsel; Gary Weisberg, Associate Counsel; and John Ajayi, Special Counsel, were in attendance telephonically.

PUBLIC COMMENTS:

None.

Clerk of the Board Kelly Lore stated that late communication regarding Item No. 2 was received this afternoon and was distributed to the Board Members and made available to the public.

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

[2022-2474](#)

Originator: Kelly Lore

Director of Engineering Kathy Millea presented a 25-year employee service award to Engineering Supervisor Frank Steiger. Director of Environmental Services Lan Wiborg

recognized Deidre Bingman, who could not be present, for her 25-years of service. Chair Wanke recognized the remaining employees who could not be present:

30-year Service Award

Kevin Ramey, Lead Mechanic - Division 880

25-year Service Awards

Juan Ambriz, Environmental Tech - Division 820

Deirdre Bingman, Principal Environmental Specialist - Division 610

Larry Jones, Data Management Tech II - Division 250

Frank Steiger, Engineering Supervisor - Division 760

20-year Service Award

Gary Tuiasosopo-Kemper, Operations Supervisor - Division 830

REPORTS:

Chair Wanke reported that the Steering Committee created a new Ad Hoc Committee regarding the General Manager Recruitment this evening. The appointed five-member Committee consists of: Chair Wanke; Vice-Chair Gallagher; and Directors Brooke Jones, John Withers, and Glenn Parker. He stated that the Committee will work over the next six months on the recruitment of a new General Manager. The Ad Hoc Committee will then make a recommendation to the Board of Directors for their final selection.

General Manager Jim Herberg stated that Jennifer Cabral, Administration Manager, had been selected as the 2022 Paul B. Clark Lifetime Achievement Award recipient by the California Association of Public Information Officials (CAPIO) for her exceptional leadership in the field through professional commitment, including the mentoring of others and fostering a greater understanding of the public communicator function among colleagues, community, and the media. The Paul B. Clark Award is the highest honor bestowed by CAPIO.

PUBLIC HEARING:

2. COLLECTION OF SEWER SERVICE CHARGES VIA THE TAX ROLL [2022-2248](#)

Originator: Lorenzo Tyner

Chair Wanke opened the public hearing at 6:24 p.m. Assistant General Manager Lorenzo Tyner provided a brief staff report; Clerk of the Board Kelly Lore provided one written comment in objection; and with no other comment or objection, Chair Wanke closed the public hearing at 6:26 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 2022-23":
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 22-25 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 2022/2023";
- 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: Ron Bates, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, 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 Connor Traut (Alternate)

NOES: None

ABSENT: Brad Avery, Patrick Harper and Donald Wagner

ABSTENTIONS: None

CONSENT CALENDAR:

3. APPROVAL OF MINUTES

[2022-2478](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Board of Directors Meeting held July 27, 2022.

AYES: Ron Bates, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, 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 Connor Traut (Alternate)

NOES: None

ABSENT: Brad Avery, Patrick Harper and Donald Wagner

ABSTENTIONS: None

4. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST [2022-2456](#)

Originator: Lorenzo Tyner

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, 2022 to June 30, 2022; and
- B. Approve the following additions to the pre-approved OEM Sole Source List:
- DIG-SMART, LLC - Dig-Smart Enterprise Software (Dig-Smart Fusion Server & Dig-Smart WebAPI)
 - NEWPORT HARBOR SHIPYARD - Paint and Repair Services for the Nerissa Vessel
 - WATERMAN GATES - Waterman Engineered Products, Parts, and Equipment

AYES: Ron Bates, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, 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 Connor Traut (Alternate)

NOES: None

ABSENT: Brad Avery, Patrick Harper and Donald Wagner

ABSTENTIONS: None

5. INTERNAL AUDIT SERVICES [2022-2482](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Approve additional funds of \$40,235 to Blanket Purchase Order 106736-OB, for Eide Bailly LLP for internal audit services, for a new total amount not to exceed \$115,235.

AYES: Ron Bates, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, 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 Connor Traut (Alternate)

NOES: None

ABSENT: Brad Avery, Patrick Harper and Donald Wagner

ABSTENTIONS: None

RECEIVE AND FILE:

6. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF JULY 2022 [2021-2018](#)

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

7. COMMITTEE MEETING MINUTES [2022-2063](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the GWRS Steering Committee Meeting held April 11, 2022
- B. Minutes of the Steering Committee Meeting held June 22, 2022
- C. Minutes of the Operations Committee Meeting held July 6, 2022
- D. Minutes of the Legislative and Public Affairs Committee Meeting held July 11, 2022
- E. Minutes of the Administration Committee Meeting held July 13, 2022

OPERATIONS COMMITTEE:

None.

ADMINISTRATION COMMITTEE:

None.

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

None.

STEERING COMMITTEE:

None.

NON-CONSENT:**8. TREASURER'S REPORT FOR THE FOURTH QUARTER ENDED [2021-2019](#)
JUNE 30, 2022**

Originator: Lorenzo Tyner

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, 2022.

AYES: Ron Bates, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, 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 Connor Traut (Alternate)

NOES: None

ABSENT: Brad Avery, Patrick Harper and Donald Wagner

ABSTENTIONS: None

9. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS [2022-2479](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-24 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: Ron Bates, Kim Carr, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, 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 Connor Traut (Alternate)

NOES: None

ABSENT: Brad Avery, Patrick Harper and Donald Wagner

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Dave Shawver reported on the upcoming OCCOG meeting; and Director Stephen Faessel reported on his attendance at the recent ISDOC Executive Committee meeting.

CLOSED SESSION:**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54957.6, 54959(d)(4) & 54956.9(d)(1).**

The Board convened in closed session at 6:40 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.

Directors Stephen Faessel and Steve Jones departed the meeting during Closed Session at approximately 7:00 p.m.

**CS-1 CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT
CODE SECTION 54957.6**[2022-2484](#)

DID NOT CONVENE IN CLOSED SESSION:

Designated Representatives: General Manager James Herberg, Assistant General Managers Lorenzo Tyner and Rob Thompson, Director of Human Resources Celia Chandler, and Chief Negotiator Laura Kalty.

Employee Organizations: (1)

International Union of Operating Engineers, Local 501.

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION -
GOVERNMENT CODE SECTION 54956.9(d)(1)**[2022-2485](#)

CONVENED IN CLOSED SESSION:

Number of Cases: 3

- A. Robert Morris v. Orange County Sanitation District Permissibly Self-Insured; Claim No. 554823; WCAB No. ADJ11104064.
- B. 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.
- C. 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 LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4)

[2022-2486](#)

Originator: Lan Wiborg

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Potential initiation of litigation regarding Cost Recovery for PFAs contamination.

CS-4 CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT CODE SECTION 54957.6

[2022-2490](#)

CONVENED IN CLOSED SESSION:

Agency Designated Representatives: General Manager James Herberg, Assistant General Manager Lorenzo Tyner, and Director of Human Resources Celia Chandler.

Unrepresented Employees: Confidential Group: Assistant Clerk of the Board; Clerk of the Board; Human Resources Analyst; Human Resources Assistant; Human Resources Supervisor; Secretary to the General Manager; Senior Human Resources Analyst; and Principal Human Resources Analyst.

CS-5 CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT CODE SECTION 54957.6

[2022-2491](#)

CONVENED IN CLOSED SESSION:

Agency Designated Representatives: General Manager James Herberg, Assistant General Manager Lorenzo Tyner and Director of Human Resources Celia Chandler.

Unrepresented Employees: Managers Group: Administration Manager; Controller; Engineering Manager; Environmental Laboratory & Ocean Monitoring Manager; Environmental Protection Manager; Human Resources & Risk Manager; IT Systems & Operations Manager; Maintenance Manager; Operations Manager; and Purchasing and Contracts Manager.

**CS-6 CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT [2022-2492](#)
CODE SECTION 54957.6**

CONVENED IN CLOSED SESSION:

Agency Designated Representatives: General Manager James Herberg, Assistant General Manager Lorenzo Tyner, and Director of Human Resources Celia Chandler.

Unrepresented Employees: Executive Managers Group: Assistant General Manager; Director of Engineering; Director of Environmental Services; Director of Human Resources; and Director of Operations and Maintenance.

RECONVENED IN REGULAR SESSION.

The Board reconvened in regular session at 7:36 p.m.

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

General Counsel Brad Hogin stated the Board took no reportable action.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 7:37 p.m., Chair Wanke adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, September 28, 2022 at 6:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board