

ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

FEBRUARY 22, 2023



**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, February 22, 2023 at 6:07 p.m. in the Administration Building of the Orange County Sanitation District. Director Susan Sonne 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: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Chad Wanke and John Withers

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda and Bruce Whitaker

STAFF PRESENT: Rob Thompson, General Manager; Lorenzo Tyner, Assistant General Manager; Celia Chandler, Director of Human Resources; Kelly Lore, Clerk of the Board; Mo Abiodun; and Thomas Vu were present in the Board Room. Kathy Millea, Director of Engineering; Riaz Moinuddin, Director of Operations and Maintenance; Lan Wiborg, Director of Environmental Services; Jennifer Cabral; Raul Cuellar; Michael Dorman; Justin Fenton; Beck Gass; Tina Knapp; Rebecca Long; Laura Maravilla; Shallee Milligan; Cindy Murra; Valerie Ratto; Wally Ritchie; Kevin Schuler; Todd Waltz; Eros Yong; and Ruth Zintzun were present telephonically.

OTHERS PRESENT: Brad Hogin, General Counsel; and Caroline Byrne and Gary Weisberg, Associate Counsel, were present in the Board Room. Jesus Gaona Perez was present telephonically.

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:**1. COMMENDATIONS TO OUTGOING BOARD MEMBERS**[**2023-2745**](#)

Originator: Kelly Lore

Chair Wanke provided a Special Presentation to outgoing Board Member Sandra Massa-Lavitt from the city of Seal Beach.

2. EMPLOYEE SERVICE AWARDS[**2023-2794**](#)

Originator: Kelly Lore

Chair Wanke acknowledged and thanked the following for their service to OC San.

30-year Service Award

Dionne Kardos, Data Management Tech II - Division 250

20-year Service Awards

Tim Hopkins, Senior Mechanic - Division 880

Ernest Ruckman, Sr. Environmental Specialist - Division 630

REPORTS:

Chair Wanke thanked those who attended the Board Orientation and Virtual Tour held last week and announced that a Special Board of Directors meeting will be held on Wednesday, March 15 at 3:00 p.m. to continue Board Orientation with a "Meet the Executive Management Team". Chair Wanke also announced upcoming in person tours of Plant No.1 and Plant No. 2 that will take place in March and April prior to the Operations and Administration Committee meetings.

Chair Wanke reported on the Sewer Service Fee notification process and stated that OC San's current five-year sewer fee rate schedule will expire at the end of the current fiscal year. He reported that Proposition 218 notifications were mailed to affected property owners and posted on OC San's website and stated the fee schedule increase is approximately 3.5 percent for fiscal years 2023-24 through 2027-28.

Chair Wanke reminded the Directors that they will receive talking points regarding OC San activities to use while reporting out to their councils, boards, and community groups. He also extended an offer for OC San staff to provide a presentation at any upcoming council/agency meetings.

Chair Wanke reported that the new Directors and Alternate Directors received parking passes and security badges to enter OC San and reminded the Director that, while onsite, to wear the badge.

General Manager Rob Thompson reported that the Governor's Emergency COVID-19 Order expires at the end of February and that all OC San Committee and Board meetings will be in person beginning on March 1. He stated that if a Director is unable to attend any meeting, to please notify their Alternate Director and the Clerk of the Board.

Director John Withers departed the meeting at 6:18 p.m.

CONSENT CALENDAR:

3. APPROVAL OF MINUTES

[2023-2795](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve minutes of the Regular meeting of the Board of Directors held January 25, 2023.

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

4. 2023 CONFLICT OF INTEREST CODE

[2023-2793](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 23-06, entitled: "A Resolution of the Board of Directors of Orange County Sanitation District adopting a Conflict of Interest Code which supersedes all prior Conflict of Interest Codes and amendments previously adopted".

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

5. DESIGNATION OF APPLICANT'S AGENT FOR DISASTER RELIEF

[2023-2814](#)

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 23-07, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District authorizing the General Manager, or Assistant General Manager, or the Director of Operations and Maintenance to Execute State Office of Emergency Services and/or Federal Emergency Management Agency Documents and Relevant Permit Applications for Present and Future Disaster Relief Applications; and Repealing Resolution No. OC SAN 22-06".

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

RECEIVE AND FILE:

6. **REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF JANUARY 2023** [2023-2717](#)

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

Report of the Investment Transactions for the month of January 2023.

7. **COMMITTEE MEETING MINUTES** [2023-2722](#)

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the GWRS Steering Committee Meeting held October 10, 2022
- B. Minutes of the Operations Committee Meeting held December 7, 2022
- C. Minutes of the Administration Committee Meeting held December 14, 2022
- D. Minutes of the Steering Committee Meeting held December 15, 2022

OPERATIONS COMMITTEE:

8. **UNINTERRUPTIBLE POWER SUPPLY IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. P1-132** [2023-2784](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Construction Services Agreement with Tetra Tech, Inc. to provide construction support services for Uninterruptible Power Supply Improvements at Plant No. 1, Project No. P1-132, for an amount not to exceed \$217,830; and
- B. Approve a contingency of \$21,783 (10%).

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

9. NEWPORT BEACH PUMP STATION PRESSURIZATION IMPROVEMENTS, PROJECT NO. 5-68

[2023-2785](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Newport Beach Pump Station Pressurization Improvements, Project No. 5-68;
- B. Award a Construction Contract to Innovative Construction Solutions for Newport Beach Pump Station Pressurization Improvements, Project No. 5-68, for an amount not to exceed \$937,500; and
- C. Approve a contingency of \$93,750 (10%).

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

10. CAD DESIGN MANUAL UPDATE FOR 3D DESIGN, PROJECT NO. PS21-05

[2023-2786](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Professional Services Agreement with The Austin Company to provide support services for CAD Design Manual Update for 3D Design, Project No. PS21-05, for a total amount not to exceed \$416,000; and
- B. Approve a contingency of \$41,600 (10%).

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

11. HEADWORKS PHASE 3 CABLE REPLACEMENT AT PLANT NO. 2, PROJECT NO. FR2-0026 [2023-2787](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Find that Headworks Phase 3 Cable Replacement at Plant No. 2, Project No. FR2-0026, 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;
- B. Receive and file Bid Tabulation and Recommendation for Headworks Phase 3 Cable Replacement at Plant No. 2, Project No. FR2-0026;
- C. Award a Construction Contract to ACS Engineering Inc. for Headworks Phase 3 Cable Replacement at Plant No. 2, Project No. FR2-0026; for a total amount not to exceed \$575,360; and
- D. Approve a contingency of \$115,072 (20%).

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

12. GENERAL AND SEMI-SKILLED LABOR REPAIRS, SPECIFICATION NO. S-2022-1370BD [2023-2788](#)

Originator: Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Purchase Order Contract to Tiano Construction, Inc. (as the Primary Contractor) and MPK Solutions (as the Secondary Contractor) to provide General and Semi-Skilled Labor Repairs, Specification No. S-2022-1370BD, for a total amount not to exceed \$300,000 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 \$30,000 (10%).

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

13. FLEET VEHICLE REPLACEMENT PURCHASE RATIFICATION

[2023-2789](#)

Originator: Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

Ratify the authorization given to the General Manager and Purchasing Manager to allow flexibility in the vehicle type/class quantity and funding while not exceeding the approved budgeted total amount of \$1,330,300. This will ensure the available replacement vehicles needed to sustain the fleet can be procured through the issued purchase orders with the following breakdown:

- A. Replacement vehicles for OC San's fleet as originally approved in the adopted fiscal year 2022/23 budget in the amounts of:

- Two light-duty trucks - \$78,760
- Two medium-duty utility trucks - \$200,518

- B. Replacement vehicles for OC San's fleet as originally approved in the adopted fiscal year 2021/22 budget in the remaining amounts of:

- One medium-duty truck - \$60,095
- One heavy-duty truck - \$162,113
- Eight Hybrid SUV's (AWD) - \$357,818
- Two light-duty trucks - \$137,161

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

14. OCEAN OUTFALL CONDITION ASSESSMENT AND SCOPING STUDY, PROJECT NO. PS18-09 [2023-2790](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a contingency increase of \$1,097,600 (40%) to the Professional Services Agreement with Carollo Engineers, Inc. for Ocean Outfall Condition Assessment and Scoping Study, Project No. PS18-09, for a total contingency of \$2,195,200 (80%).

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

15. LIQUID FERRIC CHLORIDE SPECIFICATION NO. C-2019-1037BD CONTINGENCY INCREASE [2023-2791](#)

Originator: Riaz Moinuddin

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a unit price contingency of \$226 per dry ton (27%) to the Liquid Ferric Chloride Agreement with Pencco, Inc., Specification No.C-2019-1037BD, for the period beginning March 1, 2023 through June 30, 2023. New unit cost not to exceed \$1,075 per dry ton delivered; and

B. Approve a unit price contingency of \$310 per dry ton (32%) to the liquid Ferric Chloride Agreement with Kemira, Inc., Specification No.C-2019-1037BD, for the period beginning March 1, 2023 through June 30, 2023. New unit cost not to exceed \$1,274.47 per dry ton delivered.

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

16. **LONG LEAD TIME AUDIO VISUAL EQUIPMENT PURCHASE FOR HEADQUARTERS COMPLEX AT PLANT NO. 1, PROJECT NO. P1-128A** [2023-2792](#)

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a Purchase Order to AVI-SPL LLC for the purchase of Audio Visual Equipment, Specification No. E-2022-1374BD, for a total amount not to exceed \$911,309 plus applicable sales tax.

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

ADMINISTRATION COMMITTEE:

17. **MID-YEAR FINANCIAL REPORT FOR THE PERIOD ENDED DECEMBER 31, 2022** [2023-2804](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District Mid-Year Financial Report for the period ended December 31, 2022.

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

18. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST [2023-2805](#)

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 October 1, 2022 to December 31, 2022; and
- B. Approve the following additions to the pre-approved OEM Sole Source List:
- AMETEK SPECTRO SCIENTIFIC - FluidScan Lubricant Condition Monitor Equipment, Parts, Accessories, and Repairs

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

STEERING COMMITTEE:

19. PUBLIC AFFAIRS UPDATE FOR THE MONTHS OF JANUARY AND FEBRUARY 2023 [2023-2820](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Update for the months of January and February 2023.

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

20. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTHS OF JANUARY AND FEBRUARY 2023 [2023-2821](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Legislative Affairs Update for the months of January and February 2023.

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

21. PUBLIC AFFAIRS STRATEGIC PLAN FOR FISCAL YEARS 2022-2024 MID-YEAR UPDATE [2023-2822](#)

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Public Affairs Strategic Plan for Fiscal Years 2022- 2024 Mid-year Update.

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

NON-CONSENT:

22. PROPOSED ORDINANCE ADOPTING REGIONAL SEWER SERVICE CHARGES [2023-2806](#)

Originator: Lorenzo Tyner

Assistant General Manager Lorenzo Tyner provided an overview of the proposed Ordinances.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Motion to read Ordinance No. OC SAN-58 by title only and waive reading of said entire Ordinance;
- B. Introduce Ordinance No. OC SAN-58 entitled, "An Ordinance of the Board of Directors of Orange County Sanitation District Adopting Regional Sewer Service Charges and Repealing Ordinance No. OCSD-49"; and
- C. Set March 22, 2023 as the date of the Public Hearing to hear protests and for the second reading of the Ordinance No. OC SAN-58.

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Johnathan Ryan Hernandez, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

Director Johnathan Ryan Hernandez departed the meeting at 6:25 p.m.

**23. PROPOSED ORDINANCE ADOPTING CAPITAL FACILITIES
CAPACITY CHARGES**

[2023-2807](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Motion to read Ordinance No. OC SAN-59 by title only and waive reading of said entire Ordinance;
- B. Introduce Ordinance No. OC SAN-59 entitled, "An Ordinance of the Board of the Orange County Sanitation District Adopting Capital Facilities Capacity Charges, and Repealing Ordinance No. OCSD-57"; and
- C. Set March 22, 2023 as the date of the Public Hearing to hear protests and for the second reading of Ordinance No. OC SAN-59.

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Johnathan Ryan Hernandez, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

24. PROPOSED ORDINANCE ADOPTING MISCELLANEOUS CHARGES AND FEES RELATING TO INDUSTRIAL DISCHARGERS, SOURCE CONTROL PERMITTEES AND WASTEHAULERS [2023-2808](#)

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Motion to read Ordinance No. OC SAN-60 by title only and waive reading of said entire Ordinance on February 22, 2023;
- B. Introduce Ordinance No. OC SAN-60 entitled, "An Ordinance of the Board of Directors of Orange County Sanitation District Adopting Miscellaneous Charges and Fees Relating to Industrial Dischargers, Source Control Permittees and Wastehaulers and Repealing Ordinance No. OCSD-51; and
- C. Set March 22, 2023 as the date of the Public Hearing to hear protests and for the second reading of Ordinance No. OC SAN-60.

AYES: Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Glenn Grandis, Phil Hawkins, Farrah Khan, Christine Marick, Sandra Massa-Lavitt, Scott Minikus, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne and Chad Wanke

NOES: None

ABSENT: Brad Avery, Johnathan Ryan Hernandez, Steve Jones, Jordan Nefulda, Bruce Whitaker and John Withers

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

The following reports were provided: Director Stephen Faessel on his recent attendance at the meetings of ISDOC; Director David Shawver on his recent attendance at the OCCOG meeting; Director Jon Dumitru on his attendance at the recent meetings of NWRI; and Chair Wanke on his attendance at the recent GWRS Steering Committee meeting.

CLOSED SESSION:

CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(2) & 54956.9(d)(1).

The Board convened in closed session at 6:32 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 ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2) [2023-2823](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 2

- A. Claim/Demand Letter received from Branscomb Law re: United Plant Services (UPS) Midstream Services, Inc. - Demand for payment of past due invoice.
- B. Claim/Demand Letter received from attorney for OHL USA, Inc. and the City of Anaheim in connection with personal injury lawsuit brought by Ignacio Castro.

CS-2 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(1) [2023-2824](#)

CONVENED IN CLOSED SESSION:

Number of Cases: 1

Jose O. Cruz v. Orange County Sanitation District Financing Corporation, a California corporation; and Does 1-50, inclusive, Superior Court of California, County of Orange, Case No. 30-2019-01100180-CU-WT-CJC.

CS-3 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(1) [2023-2826](#)

CONVENED 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 7:21 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 to reject both the claim from United Plant Services (UPS) Midstream Services, Inc. and the Claim from OHL USA, Inc. and the City of Anaheim in connection with a personal injury lawsuit brought by Ignacio Castro.

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

None.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 7:22 p.m., Chair Wanke adjourned the meeting until the Special meeting of the Board of Directors to be held on Wednesday, March 15, 2023 at 3:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board