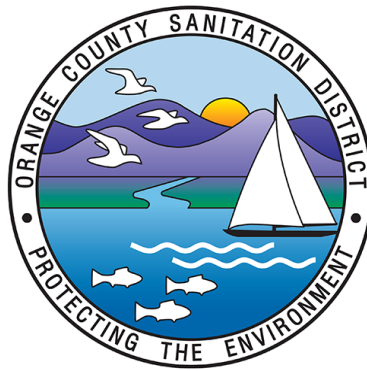


# **ORANGE COUNTY SANITATION DISTRICT**

## **MINUTES**

### **BOARD OF DIRECTORS**

**AUGUST 26, 2020**



**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 August 26, 2020 at 6:06 p.m. in the Administration Building. Director Sandra Massa-Lavitt led the Pledge of Allegiance and Director Allan Bernstein delivered the invocation. Clerk of the Board Kelly Lore 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).

**ROLL CALL AND DECLARATION OF QUORUM**

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

**PRESENT:** Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

**ABSENT:** Steve Nagel

**STAFF MEMBERS PRESENT:** Jim Herberg, General Manager; Kelly Lore, Clerk of the Board; and Joshua Martinez were present in the Board Room. Assistant General Manager Lorenzo Tyner; Assistant General Manager Rob Thompson; Director of Engineering Kathy Millea; Director of Environmental Services Lan Wiborg; Director of Human Resources Celia Chandler; Jennifer Cabral; Brian Engeln; Tom Grant; Shamshad Hyder; Laurie Klinger; Tina Knapp; Laura Maravilla; Jeff Mohr; Tyler Ramirez; and Thomas Vu participated telephonically.

**OTHERS PRESENT:** Brad Hogin (General Counsel) was present in the Board Room.

**PUBLIC COMMENTS:**

The Clerk of the Board announced that an eComment had been received regarding Item No. 8 and, in response, clarified that OCSD's contribution for the project will be \$50,000.

**SPECIAL PRESENTATIONS:**

General Manager Herberg presented a 25-year Employee Service Award to Director of Engineering Kathy Millea.

Ms. Millea presented a 30-year Employee Service Award to Principal Information Technology Analyst Shamshad Hyder.

**REPORTS:**

Chair Shawver described new technology modifications which had recently been made to OCSD's website to increase the public's participation and accessibility to the Board and Committee meetings during the pandemic, he stated that the Board Members would be receiving their talking points tomorrow, and he reported on his recent participation at the

CASA conference that was held virtually this year.

General Manager Jim Herberg provided a COVID-19 update stating he will continue to provide his weekly report to the Board of Directors, that operations remain stable, and that the employees with positive cases have all returned to work.

Mr. Herberg reported on the success of OCSD's virtual tour program and announced that the next tour would be held Saturday, September 12 at 11:00 a.m.

### **CONSENT CALENDAR:**

#### **1. APPROVAL OF MINUTES**

[2020-1168](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Meeting of the Board of Directors held July 22, 2020 at 6:00 p.m.

**AYES:** Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

**NOES:** None

**ABSENT:** James Ferryman and Steve Nagel

**ABSTENTIONS:** None

#### **2. 2020 CONFLICT OF INTEREST CODE**

[2020-1186](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OCSD 20-08 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:** Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

**NOES:** None

**ABSENT:** James Ferryman and Steve Nagel

**ABSTENTIONS:** None

**3. REIMBURSEMENT AGREEMENT BETWEEN ORANGE COUNTY WATER DISTRICT AND ORANGE COUNTY SANITATION DISTRICT** [2020-1188](#)

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Reimbursement Agreement with the Orange County Water District entitled "Agreement Between the Orange County Sanitation District and the Orange County Water District", in a form approved by General Counsel, for an estimated amount not to exceed \$72,435, to be reimbursed to the Orange County Sanitation District for Operator Qualified Inspection Services of the Interplant Digester Gas Pipeline.

**AYES:** Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

**NOES:** None

**ABSENT:** James Ferryman and Steve Nagel

**ABSTENTIONS:** None

**RECEIVE AND FILE:**

**4. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF JULY 2020** [2020-1098](#)

**Originator:** Lorenzo Tyner

WITHOUT OBJECTION, ACTION TAKEN TO: Receive and file the following:

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

**5. COMMITTEE MEETING MINUTES** [2020-1199](#)

**Originator:** Kelly Lore

WITHOUT OBJECTION, ACTION TAKEN TO: Receive and file the following:

A. Minutes of the Steering Committee Meeting held June 24, 2020

B. Minutes of the GWRs Steering Committee Meeting held January 13, 2020

**PUBLIC HEARING:**

**6. COLLECTION OF SEWER SERVICE CHARGES VIA THE TAX ROLL** [2020-1178](#)

**Originator:** Lorenzo Tyner

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Board Chairman David Shawver read the title into the record and proceeded with the Public Hearing. The Clerk of the Board stated that no comments had been received.

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 2020-21":
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. OCSD 20-09 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 2020/2021";
- 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:** Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

**NOES:** None

**ABSENT:** James Ferryman and Steve Nagel

**ABSTENTIONS:** None

**OPERATIONS COMMITTEE:**

None.

**ADMINISTRATION COMMITTEE:**

None.

**LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**

None.

**STEERING COMMITTEE:****7. GENERAL MANAGER'S FISCAL YEAR 2020-21 WORK PLAN [2020-1221](#)**

**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the General Manager's Fiscal Year 2020-21 Work Plan.

**AYES:** Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

**NOES:** None

**ABSENT:** James Ferryman and Steve Nagel

**ABSTENTIONS:** None

**8. WATER UCI INDUSTRY UNIVERSITY RESEARCH CENTER ANALYSIS [2020-1222](#)**

**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Authorize the General Manager to enter into an agreement with the University of California, Irvine (UCI) and the UCI Foundation with a contribution of \$50,000 for the Sewershed-scale analysis of perfluorinated compounds in wastewater in partnership with the Orange County Water District, Irvine Ranch Water District, Santa Margarita Water District, and Moulton Niguel Water District; in a form approved by General Counsel.

**AYES:** Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

**NOES:** None

**ABSENT:** James Ferryman and Steve Nagel

**ABSTENTIONS:** None

**9. GENERAL MANAGER'S COMPENSATION AND BENEFITS**

[2020-1223](#)

Mr. Herberg left the meeting during Item No. 9. Chair Shawver provided a brief overview of the evaluation process and commended the General Manager's performance during the year.

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a performance-based merit increase of 2.5% for the General Manager based on Fiscal Year 2019/2020 job performance, as authorized in Resolution No. OCSD 19-12.

**AYES:** Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

**NOES:** None

**ABSENT:** James Ferryman and Steve Nagel

**ABSTENTIONS:** None

**NON-CONSENT:**

None.

**INFORMATION ITEMS:**

None.

*Director Jim Ferryman arrived at the meeting at approximately 6:37 p.m.*

**AB 1234 DISCLOSURE REPORTS:**

Director Ferryman provided a brief update on his recent attendance at the Border Committee Meeting.

**CLOSED SESSION:**

**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(4):**

The Board convened in closed session at 6:38 p.m. to discuss one item. Confidential minutes of the Closed Session have been prepared in accordance with the above Government Code Section and are maintained by the Clerk of the Board in the Official Book of Confidential Minutes of Board and Committee Closed Session Meetings.

**CS-1 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4)**

[2020-1194](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Initiation of litigation regarding development fees and conditions at Project OCSD Headquarters Building: City of Fountain Valley

**RECONVENED IN REGULAR SESSION.**

The Board reconvened in regular session at 6:58 p.m.

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

General Counsel Brad Hogin did not provide a report.

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

None.

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

None.

**ADJOURNMENT:**

At 7:04 p.m., Chair Shawver adjourned the meeting until the Regular Meeting of the Board of Directors to be held on September 23, 2020 at 6:00 p.m.

Submitted by:

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Kelly A. Lore, MMC  
Clerk of the Board