

**ORANGE COUNTY SANITATION DISTRICT**

**MINUTES**

**BOARD OF DIRECTORS**

**JANUARY 26, 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 John Withers on Wednesday, January 26, 2022 at 6:05 p.m. in the Administration Building of the Orange County Sanitation District. Chair Withers stated that the meeting was being held telephonically and via Internet accessibility in accordance with new provisions in California Government Code Section 54953 and Resolution No. OC SAN 22-01, due to the continued State of Emergency Order. Chair Withers announced the teleconference meeting guidelines. Director Marshall Goodman delivered the invocation and led the Pledge of Allegiance.

Clerk of the Board Kelly Lore stated that after the publication of the agenda, late communication had been received regarding additional appointments to the Board of Directors. The communication was provided to the Directors today and made available to the public.

**1. APPOINTMENTS TO THE ORANGE COUNTY SANITATION DISTRICT [2022-2088](#)  
BOARD OF DIRECTORS**

**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO:

Receive and file minute excerpts of member agencies relating to appointments to the Orange County Sanitation District Board of Directors:

<b>Agency</b>	<b>Director</b>	<b>Alternate Director</b>
City of Brea	Glenn Parker	Cecilia Hupp
City of Placentia	Chad Wanke	Ward Smith
City of Stanton	David Shawver	Carol Warren
City of Buena Park	Art Brown	Connor Traut
City of Villa Park	Chad Zimmerman	Robert Collacott
Board of Supervisors	Donald P. Wagner	Doug Chaffee

**ROLL CALL AND DECLARATION OF QUORUM**

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

- PRESENT:** Brad Avery, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, 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, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman
- ABSENT:** None

**STAFF PRESENT:** Kelly Lore, Clerk of the Board, and Mortimer Caparas were present in the Board Room. Jim Herberg, General Manager; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Celia Chandler, Director of Human Resources; Kathy Millea, Director of Engineering; Lan Wiborg, Director of Environmental Services; Mo Abiodun; Janine Aguilar; Andrew Brown; Jennifer Cabral; Tanya Chong; Raul Cuellar; Laurie Klinger; Tina Knapp; Laura Maravilla; Jeff Mohr; Andrew Nau; Valerie Ratto; Wally Ritchie; Thomas Vu; Eros Yong; and Ruth Zintzun were in attendance telephonically.

**OTHERS PRESENT:** Brad Hogin, General Counsel, and Gary Weisberg, Associate Counsel, were present in the Board Room. James Clark was in attendance telephonically.

**PUBLIC COMMENTS:**

The Clerk of the Board noted that she had received correspondence addressed to the Board of Directors today from Billy Hilliard (AIM Sports Group) regarding OC San fees, which was sent to the Directors and made available to the public.

**SPECIAL PRESENTATIONS:**

**2. EMPLOYEE SERVICE AWARDS**

[2022-2079](#)

**Originator:** Kelly Lore

Chair Withers recognized the following:

**30-year Service Awards**

Tracey Murphy, Lead Power Plant Operator - Division 870

Canh Nguyen, Environmental Supervisor - Division 630

**REPORTS:**

Chair Withers announced that a short survey regarding OC San's monthly informational presentations would be sent to the Directors tomorrow requesting feedback on topics of interest for future presentations.

Chair Withers reported that as part of the Strategic Plan and GM Work Plan it was identified to expand OC San U (employee training program) and staff has been working on offering similar training to our member agencies. In the next couple of weeks, letters will be sent to each of our member cities/agencies with details of the new program.

Chair Withers stated that the Board of Directors talking points would be distributed on January 27 and would include a flyer and information about how your cities/agencies can partner with OC San's manufacturers to purchase compost to support efforts to comply with SB 1383.

Chair Withers reminded the Directors that OC San's Administrative offices would be closed on Friday, February 11 and Monday, February 21 in observance of Lincoln's Birthday and Presidents Day.

General Manager Jim Herberg provided a COVID-19 update stating that over the past month, there have been 68 positive cases, with 55 of those employees returned to work. This amounts to more cases in one month than any other month during the Pandemic. He also stated that there had been three COVID outbreaks this month. An outbreak is defined as at least three positive cases within a 14-day period in the same work area. He provided information regarding cleaning efforts, Health Department notifications, safety stand downs, and modified return to office plans.

Mr. Herberg reported on recent biosolids account funds transferred within the program pool to ensure sufficient funds were available to sustain certain contracts through the end of the year.

Mr. Herberg provided a brief introduction to the GM Work Plan Mid-Year Update and stated that five of the individual goals have been completed and the remainder are scheduled to be completed by the end of the fiscal year.

### **PUBLIC HEARING:**

#### **3. ADOPTION OF A RESOLUTION OF NECESSITY FOR THE BAY BRIDGE PUMP STATION AND FORCE MAINS REPLACEMENT PROJECT**

[2022-2054](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Conduct a public hearing to receive written and oral comments on the proposed adoption of a Resolution of Necessity for the Bay Bridge Pump Station and Force Mains Replacement Project.
  1. Chair Withers opened the Public Hearing at 6:23 p.m.
  2. Received staff report and recommendations
  3. Report of written communications by Clerk of the Board
  4. Public Comment - None.
  5. Chair Withers closed the Public Hearing at 6:53 p.m.
  6. Discussion by Board of Directors
- B. Adopt Resolution of Necessity No. OC SAN 22-03 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District Finding and Determining that the Public Interest and Necessity require the Acquisition by Eminent Domain of Interests in Certain Real Property for Public Use and Authorizing and Directing Condemnation of Portions of Assessor Parcel No. 440-132-60"; and
- C. Authorize and direct OC San's General Counsel to prepare, commence, and prosecute a proceeding in eminent domain for the purpose of acquiring the necessary property interests for the Project.

- AYES:** Brad Avery, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, 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, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman
- NOES:** None
- ABSENT:** None
- ABSTENTIONS:** None

**CONSENT CALENDAR:**

**4. APPROVAL OF MINUTES [2022-2078](#)**

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Board of Directors Meeting held December 15, 2021 and the Special Meeting held January 12, 2022.

- AYES:** Brad Avery, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, 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, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman
- NOES:** None
- ABSENT:** None
- ABSTENTIONS:** None

**5. 2022 CONFLICT OF INTEREST CODE [2021-2034](#)**

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-04 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, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, 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, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** None

**ABSTENTIONS:** None

**6. PAYMENT OF ANNUAL NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM (NPDES) PERMIT FEES [2022-2069](#)**

**Originator:** Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

Approve payment of \$796,532 for the annual NPDES ocean discharge permit fees.

**AYES:** Brad Avery, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, 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, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** None

**ABSTENTIONS:** None

**7. SAWPA CONFIDENTIALITY AND COMMON INTEREST AGREEMENT FOR DEVELOPING A REGIONAL APPROACH TO ADDRESS PFAS CONTAMINATION [2022-2092](#)**

**Originator:** Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

Approve and authorize the General Manager to execute the Confidentiality and Common Interest Agreement by and among Orange County Sanitation District and the Santa Ana Watershed Project Authority (SAWPA); the Eastern Municipal Water District; the Inland Empire Utilities Agency, the Orange County Water District (OCWD), the San Bernardino Valley Municipal Water District, and the Western Municipal Water District (collectively referred to as the "Parties") to develop a regional approach to treating or otherwise remediating the surface and ground waters and reclaimable wastewaters in the Santa Ana River Basin that have been, or are threatened to be, contaminated by per- and polyfluoroalkyl substances (collectively, "PFAS").

- AYES:** Brad Avery, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, 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, Donald Wagner, Chad Wanke, John Withers and Chad Zimmerman
- NOES:** None
- ABSENT:** None
- ABSTENTIONS:** None

**RECEIVE AND FILE:**

- 8. **REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF DECEMBER 2021** [2021-2010](#)

**Originator:** Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

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

- 9. **COMMITTEE MEETING MINUTES** [2022-2056](#)

**Originator:** Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO RECEIVE AND FILE THE FOLLOWING:

- A. Minutes of the GWRS Steering Committee Meeting held October 11, 2021
- B. Minutes of the Steering Committee Meeting held November 17, 2021
- C. Minutes of the Operations Committee Meeting held December 1, 2021
- D. Minutes of the Administration Committee Meeting held December 8, 2021

**OPERATIONS COMMITTEE:**

None.

**ADMINISTRATION COMMITTEE:**

None.

**LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**

None.

**STEERING COMMITTEE:**

*Director Hernandez and Vice-Chair Wanke appeared to be away at approximately 7:24 p.m.*

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**10. HEADQUARTERS COMPLEX AT PLANT NO. 1, PROJECT NO. P1-128A** [2022-2109](#)

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve and authorize the General Manager to execute a Facilities Relocation Agreement with Southern California Edison Company for Headquarters Complex at Plant No. 1, Project No. P1-128A, for an amount not to exceed \$310,000; and

B. Approve a contingency of \$31,000 (10%).

**AYES:** Brad Avery, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez and Chad Wanke

**ABSTENTIONS:** None

**11. GENERAL MANAGER'S FY 2021-2022 WORK PLAN MID-YEAR UPDATE** [2022-2110](#)

**Originator:** Jim Herberg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the General Manager's FY 2021-2022 Work Plan Mid-Year Update.

**AYES:** Brad Avery, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez and Chad Wanke

**ABSTENTIONS:** None

**12. JANITORIAL & FLOOR MAINTENANCE SERVICE CONTRACT FOR PLANT NOS. 1 AND 2** [2022-2111](#)

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:



A. Approve a Service Contract to Gamboa Services Inc. dba Corporate Image Maintenance to provide Janitorial & Floor Maintenance Services at Plant Nos. 1 and 2, Specification No. S-2021-1270BD, for a total amount not to exceed \$961,705, for the period beginning February 1, 2022, through January 31, 2023, with four, one-year renewal options; and

B. Approve an annual contingency of \$96,170 (10%).

**AYES:** Brad Avery, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez and Chad Wanke

**ABSTENTIONS:** None

**13. HEALTH REIMBURSEMENT ARRANGEMENT FOR THE MANAGERS GROUP [2022-2112](#)**

**Originator:** Celia Chandler

MOVED, SECONDED, AND DULY CARRIED TO:

A. Adopt Resolution No. OC SAN 22-05 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District approving the Health Reimbursement Arrangement (HRA) Plan for the Managers Group identified through the 2021 HRA Reopener Negotiations";

B. Approve implementation of an HRA plan with the Managers Group with employee-funded contributions in the form of mandatory vacation, sick, personal, and compensatory leave payouts; and

C. Authorize the Orange County Sanitation District to pay the annual administrative costs of the HRA plan for the Managers Group, for a maximum exposure of approximately \$390 annually, based on current headcounts.

**AYES:** Brad Avery, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez and Chad Wanke

**ABSTENTIONS:** None

**NON-CONSENT:****14. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS****[2022-2080](#)****Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OC SAN 22-02 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:** Brad Avery, Ron Bates, Kim Carr, Art Brown, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Marshall Goodman, Patrick Harper, Brooke Jones, Steve Jones, Anthony Kuo, Sandra Massa-Lavitt, Paulo Morales, Andrew Nguyen, Kim Nichols, Robert Ooten, Glenn Parker, David Shawver, Jesus Silva, Donald Wagner, John Withers and Chad Zimmerman

**NOES:** None

**ABSENT:** Johnathan Ryan Hernandez and Chad Wanke

**ABSTENTIONS:** None

**INFORMATION ITEMS:**

None.

**AB 1234 DISCLOSURE REPORTS:**

Director David Shawver provided a report on his attendance at the recent OCCOG meeting.

**CLOSED SESSION:**

General Counsel Brad Hogin announced that the Board would not convene in closed session.

**CS-1 CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT  
CODE SECTION 54957.6****[2022-2113](#)**

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: (3)

International Union of Operating Engineers, Local 501; Orange County Employees Association; and the Supervisors and Professionals Group

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

None.

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

None.

**ADJOURNMENT:**

At 7:29 p.m., Chair Withers adjourned the meeting until the next Regular Meeting of the Board of Directors to be held on Wednesday, February 23, 2022 at 6:00 p.m.

Submitted by:

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Kelly A. Lore, MMC  
Clerk of the Board