

ORANGE COUNTY SANITATION DISTRICT SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19) AND ATTENDANCE AT PUBLIC MEETINGS

Governor Newsom signed Assembly Bill (AB) 361 on September 16, 2021, which, in part, addresses the conduct of public meetings in light of the continued State of Emergency order.

Effective October 1, 2021, AB 361 suspends the requirements located in California Government Code, Section 54953, Subdivision (b), Paragraph (3) specifically pertaining to the conduct of public meetings. As such, the Orange County Sanitation District (OC San) Board of Directors has determined that due to the size of OC San's Board of Directors (25), and the health and safety of the members, the Board of Directors will be participating in meetings of the Board telephonically and via Internet accessibility.

PUBLIC PARTICIPATION

Your participation is always welcome. OC San offers several ways in which to interact during meetings. You will find information as to these opportunities below.

ONLINE MEETING PARTICIPATION

You may join the meeting live via Teams on your computer or similar device or web browser by using the link below:

Click here to join the meeting

We suggest testing joining a Teams meeting on your device prior to the commencement of the meeting. For recommendations, general guidance on using Teams, and instructions on joining a Teams meeting, please click here.

Please mute yourself upon entry to the meeting. Please raise your hand if you wish to speak during the public comment section of the meeting. The Clerk of the Board will call upon you by using the name you joined with.

Meeting attendees are not provided the ability to make a presentation during the meeting. Please contact the Clerk of the Board at least 48 hours prior to the meeting if you wish to present any items. Additionally, camera feeds may be controlled by the meeting moderator to avoid inappropriate content.

HOW TO PARTICIPATE IN THE MEETING BY TELEPHONE

To join the meeting from your phone: Dial (213) 279-1455

When prompted, enter the Phone Conference ID: 483 994 748#

All meeting participants may be muted during the meeting to alleviate background noise. If you are muted, please use *6 to unmute. You may also mute yourself on your device.

Please raise your hand to speak by use *5, during the public comment section of the meeting. The Clerk of the Board will call upon you by using the last 4 digits of your phone number as identification.

NOTE: All attendees will be disconnected from the meeting at the beginning of Closed Session. If you would like to return to the Open Session portion of the meeting, please login or dial-in to the Teams meeting again and wait in the Lobby for admittance.

VIEW THE MEETING ONLINE ONLY

The meeting will be available for online viewing only at:

https://ocsd.legistar.com/Calendar.aspx

HOW TO SUBMIT A COMMENT

You may provide verbal comment in real time during the meeting. In order to provide a verbal comment, please raise your hand as described above or alert the Clerk of the Board before or during the public comment period.

You may also submit your comments and questions in writing for consideration in advance of the meeting by using the eComment feature available online at: https://ocsd.legistar.com/Calendar.aspx or sending them to OCSanClerk@ocsan.gov with the subject line "PUBLIC COMMENT ITEM # (insert the item number relevant to your comment)" or "PUBLIC COMMENT NON-AGENDA ITEM".

You may also submit comments and questions for consideration during the meeting by using the eComment feature available online at: https://ocsd.legistar.com/Calendar.aspx. The eComment feature will be available for the duration of the meeting.

All written public comments will be provided to the legislative body and may be read into the record or compiled as part of the record.

TECHNICAL SUPPORT PRIOR TO AND DURING MEETINGS

For technical assistance before and during the meeting, please call 714-593-7431. For any other questions and/or concerns, please contact the Clerk of the Board's office at 714-593-7433. Thank you, in advance, for your patience in working with these technologies. We appreciate your interest in OC San!

December 9, 2021

NOTICE OF MEETING

BOARD OF DIRECTORS ORANGE COUNTY SANITATION DISTRICT

AND

ORANGE COUNTY SANITATION DISTRICT FINANCING CORPORATION

Wednesday, December 15, 2021 - 6:00 P.M.

ACCESSIBILITY FOR THE GENERAL PUBLIC

Your participation is always welcome. Specific information as to how to participate in this meeting is detailed in the Special Notice attached to this agenda. In general, OC San offers several ways in which to interact during meetings: you may join the meeting live via Teams on your computer or similar device or web browser, join the meeting live via telephone, view the meeting online, and/or submit comments for consideration before or during the meeting.

The Regular Meeting of the Board of Directors of the Orange County Sanitation District will be held in the manner indicated above on Wednesday, December 15, 2021 at 6:00 p.m.

lerk of the Board

Upcoming Meetings:

GWRS Steering Committee -Steering Committee -Board Meeting - Monday, January 10, 2022 at 5:00 p.m. Wednesday, January 26, 2022 at 5:00 p.m. Wednesday, January 26, 2022 at 6:00 p.m. Serving:

Anaheim

Brea

Buena Park

Cypress

Fountain Valley

Fullerton

Garden Grove

Huntington Beach

Irvine

La Habra

La Palma

Los Alamitos

Newport Beach

Orange

Placentia

Santa Ana

Seal Beach

Stanton

Tustin

Villa Park

County of Orange

Costa Mesa Sanitary District

Midway City Sanitary District

Irvine Ranch Water District

Yorba Linda Water District



ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS

AND

ORANGE COUNTY SANITATION DISTRICT FINANCING CORPORATION BOARD OF DIRECTORS

Regular Meeting Agenda
Wednesday, December 15, 2021 - 6:00 PM
Board Room
Administration Building
10844 Ellis Avenue
Fountain Valley, CA 92708
(714) 593-7433

AGENDA POSTING: In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted outside the main gate of the Orange County Sanitation District's Administration Building located at 10844 Ellis Avenue, Fountain Valley, California, and on the Orange County Sanitation District's website at www.ocsan.gov not less than 72 hours prior to the meeting date and time above. All public records relating to each agenda item, including any public records distributed less than 72 hours prior to the meeting to all, or a majority of the Board of Directors, are available for public inspection in the office of the Clerk of the Board.

AGENDA DESCRIPTION: The agenda provides a brief general description of each item of business to be considered or discussed. The recommended action does not indicate what action will be taken. The Board of Directors may take any action which is deemed appropriate.

MEETING AUDIO: An audio recording of this meeting is available within 24 hours after adjournment of the meeting at https://ocsd.legistar.com/Calendar.aspx or by contacting the Clerk of the Board at (714) 593-7433.

NOTICE TO DIRECTORS: To place items on the agenda for a Committee or Board Meeting, the item must be submitted in writing to the Clerk of the Board: Kelly A. Lore, MMC, (714) 593-7433 / klore@ocsan.gov at least 14 days before the meeting.

FOR ANY QUESTIONS ON THE AGENDA, BOARD MEMBERS MAY CONTACT STAFF AT:

General Manager: Jim Herberg, jherberg@ocsan.gov / (714) 593-7300
Asst. General Manager: Lorenzo Tyner, ltyner@ocsan.gov / (714) 593-7550
Asst. General Manager: Rob Thompson, rthompson@ocsan.gov / (714) 593-7310
Director of Human Resources: Celia Chandler, cchandler@ocsan.gov / (714) 593-7202
Director of Engineering: Kathy Millea, kmillea@ocsan.gov / (714) 593-7365
Director of Environmental Services: Lan Wiborg, lwiborg@ocsan.gov / (714) 593-7450

CALL TO ORDER

Board Chairman John Withers

INVOCATION AND PLEDGE OF ALLEGIANCE

Rose Espinoza, City of La Habra

ROLL CALL AND DECLARATION OF QUORUM

Clerk of the Board

PUBLIC COMMENTS:

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SPECIAL PRESENTATIONS:

CSDA PRESENTATION - DISTRICT TRANSPARENCY CERTIFICATE 2021-2033

RECOMMENDATION:

Information Item.

Originator: Kelly Lore

2. EMPLOYEE SERVICE AWARDS

2021-2008

30-year Service Awards

Gail Cain, Executive Assistant - Division 710
Jim Spears, Engineering Manager - Division 830

Originator: Kelly Lore

3. ANNUAL LEGISLATIVE AFFAIRS UPDATE FOR 2021

2021-2002

RECOMMENDATION:

Information Item

Originator: Jim Herberg

Attachments: Agenda Report

<u>Federal Update - ENS Resources</u> State Update - Townsend Public Affairs

REPORTS:

The Board Chairperson and the General Manager may present verbal reports on miscellaneous matters of general interest to the Directors. These reports are for information only and require no action by the Directors.

CONSENT CALENDAR:

Consent Calendar Items are considered to be routine and will be enacted, by the Board of Directors, after one motion, without discussion. Any items withdrawn from the Consent Calendar for separate discussion will be considered in the regular order of business.

4. APPROVAL OF MINUTES

2021-2007

RECOMMENDATION:

Approve Minutes of the Board of Directors Meeting held November 17, 2021.

Originator: Kelly Lore

Attachments: Agenda Report

11-17-2021 Board Meeting Minutes

RECEIVE AND FILE:

5. COMMITTEE MEETING MINUTES

2021-1551

RECOMMENDATION: Receive and file the following:

A. Minutes of the Steering Committee Meeting held October 27, 2021

B. Minutes of the Operations Committee Meeting held November 3, 2021

C. Minutes of the Administration Committee Meeting held November 10, 2021

Originator: Kelly Lore

Attachments: Agenda Report

10-27-2021 Steering Committee Special Meeting Minutes

<u>11-03-2021 Operations Committee Minutes</u> <u>11-10-2021 Administration Committee Minutes</u>

6. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF NOVEMBER 2021

2021-1702

RECOMMENDATION: Receive and file the following:

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

Originator: Lorenzo Tyner

Attachments: Agenda Report

Report of the Investment Transactions for the Month of

November 2021

OPERATIONS COMMITTEE:

7. TRICKLING FILTER 480 VOLT CABLE REPLACEMENT AT PLANT NO. <u>2021-2023</u> 1, PROJECT NO. FR1-0008

RECOMMENDATION:

- A. Receive and file Bid Tabulation and Recommendation for Trickling Filter 480 Volt Cable Replacement at Plant No. 1, Project No. FR1-0008;
- B. Award a Service Contract to Baker Electric, Inc. for Trickling Filter 480 Volt Cable Replacement at Plant No. 1, Project No. FR1-0008 for an amount not to exceed \$251,586; and
- C. Approve a contingency of \$50,317 (20%).

Originator: Kathy Millea

Attachments: Agenda Report

S-2021-1272BD Service Contract

8. JANITORIAL & FLOOR MAINTENANCE SERVICE CONTRACT FOR PLANT NOS. 1 AND 2

2021-2024

RECOMMENDATION:

- A. Approve a Service Contract to U.S. Metro Group, Inc. to provide Janitorial & Floor Maintenance Services at Plant Nos. 1 and 2, Specification No. S-2021-1270BD, for a total amount not to exceed \$799,992 for the period beginning February 1, 2022, through January 31, 2023, with four, one-year renewal options; and
- B. Approve an annual contingency of \$ 79,999 (10%).

Originator: Rob Thompson

Attachments: Agenda Report

S-2021-1270BD Final Agreement

9. PLANT NO. 2 DISTRIBUTION CENTER H, 480V SWITCHGEAR UNDERVOLTAGE RELAY UPGRADE PROJECT

2021-2025

RECOMMENDATION:

A. Approve a Purchase Order Contract with Miron Electric Construction Corp. for Plant No. 2 Distribution Center H, 480V Switchgear Undervoltage Relay Upgrade Project, per Specification No. S-2021-1280, for a total amount not to exceed \$198,200; and

B. Approve a contingency of \$19,820 (10%).

Originator: Rob Thompson

Attachments: Agenda Report

10. MANHOLE FRAME AND COVER REPLACEMENT PROJECT IN THE CITY OF ANAHEIM

2021-2026

RECOMMENDATION:

A. Approve a Service Contract to Ayala Engineering, Inc. to replace and adjust 47 manhole frames and covers in the City of Anaheim per Specification No. S-2021-1254BD, for a total amount not to exceed \$293,750; and

B. Approve a contingency of \$29,375 (10%).

Originator: Rob Thompson

Attachments: Agenda Report

Service Contract

11. USP TECHNOLOGIES INDEMNIFICATION AGREEMENT

2021-2027

RECOMMENDATION:

Approve an Indemnification Agreement with USP Technologies and the Orange County Sanitation District concerning the potential claimed violation of material patents in a form approved by General Counsel.

Originator: Rob Thompson

Attachments: Agenda Report

USP Techologies Indemnification Agreement

12. ORANGE COUNTY SANITATION DISTRICT 2021 ASSET MANAGEMENT PLAN

2021-2028

RECOMMENDATION:

Receive and file the Orange County Sanitation District 2021 Asset Management Plan.

Originator: Kathy Millea

Attachments: Agenda Report

2021 Asset Management Plan

Presentation - Asset Management Plan

13. SUPERCRITICAL WATER OXIDATION RESEARCH OPPORTUNITY

2021-2029

RECOMMENDATION:

- A. Approve a Professional Services Agreement to 374Water Systems, Inc. for the Supercritical Water Oxidation Demonstration at Plant No. 1, Project No. RE21-01, to provide goods and services for demonstration of the 374Water AirSCWO Nix6 System, for an amount not to exceed \$5,139,000; and
- B. Approve contingency funds for Project No. RE21-01 for a combined total not to exceed \$514,000 (10%).

Originator: Rob Thompson

Attachments: Agenda Report

Final Agreement & Scope of Work

Presentation - Supercritical Water Oxidation

14. OCEAN OUTFALL CONDITION ASSESSMENT AND SCOPING STUDY, <u>2021-2030</u> PROJECT NO. PS18-09

RECOMMENDATION:

Approve a contingency increase of \$823,200 (30%) 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 \$1,097,600 (40%).

Originator: Kathy Millea

Attachments: Agenda Report

Presentation - PS18-09 PSA Contingency Increase

ADMINISTRATION COMMITTEE:

15. ADD RIALTO BIOENERGY FACILITY CONTRACT TO BIOSOLIDS ACCOUNT POOL

2021-2038

RECOMMENDATION:

Ratify the addition of the Rialto Bioenergy Facility, LLC. biosolids contract to the Biosolids Account Pool effective July 28, 2021.

Originator: Lan Wiborg

Attachments: Agenda Report

16. ADOPT ORANGE COUNTY SANITATION DISTRICT'S DEBT POLICY

2021-2039

RECOMMENDATION:

Adopt Resolution No. OC SAN 21-21, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Adopting the Orange County Sanitation District's Debt Policy and Repealing Resolution No. OCSD 20-12".

Originator: Lorenzo Tyner

Attachments: Agenda Report

Orange County Sanitation District Debt Policy (Clean)
Orange County Sanitation District Debt Policy (Redline)

Proposed Resolution No. OC SAN 21-21

17. DEFERRED PAYMENT AGREEMENT REQUEST FOR CHARGES AND 2021-2040 FEES OWED BY NOR-CAL BEVERAGE CO., INC. INDUSTRIAL WASTEWATER DISCHARGE PERMITTEE

RECOMMENDATION:

Approve a deferred payment agreement with Nor-Cal Beverage Co., Inc. for charges owed for user fees in the amount of \$496,231.50.

Originator: Lorenzo Tyner

Attachments: Agenda Report

Deferred Payment Agreement - Nor-Cal Beverage Co., Inc.

Resolution No. OC SAN 21-05

Presentation - Deferred Payment Agreement

18. INVEST AND/OR REINVEST ORANGE COUNTY SANITATION DISTRICT'S FUNDS AND ADOPT INVESTMENT POLICY STATEMENT

2021-2041

RECOMMENDATION:

Adopt Resolution No. OC SAN 21-22, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Authorizing the Orange County Sanitation District's Treasurer to Invest and/or Reinvest the Orange County Sanitation District's Funds, Adopting the Orange County Sanitation District's Investment Policy Statement and Performance Benchmarks, and Repealing Resolution No. OCSD 20-13".

Originator: Lorenzo Tyner

Attachments: Agenda Report

Orange County Sanitation District Calendar Year 2022

Investment Policy Statement (Clean)

Orange County Sanitation District Calendar Year 2021

<u>Investment Policy Statement (Redline)</u>
Proposed Resolution No. OC SAN 21-22

19. WASTEWATER REFUNDING REVENUE OBLIGATIONS, SERIES 2022A

2021-2042

RECOMMENDATION:

- A. Adopt Resolution No. OC SAN 21-23 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District authorizing the execution and delivery by the District of an Installment Purchase Agreement, a Trust Agreement, and a Continuing Disclosure Agreement in connection with the Orange County Sanitation District Wastewater Refunding Revenue Obligations, Series 2022A, authorizing the execution and delivery of such Revenue Obligations evidencing principal in an aggregate amount of not to exceed \$107,315,000, approving a Notice of Intention to Sell, authorizing the distribution of an Official Notice Inviting Bids and an Official Statement in connection with the offering and sale of such Revenue Obligations and authorizing the execution of necessary documents and related actions"; and
- B. That the Orange County Sanitation District Financing Corporation approve the documents supporting and authorizing the Revenue Obligations in an aggregate amount not to exceed \$107,315,000.

Originator: Lorenzo Tyner

Attachments: Agenda Report

Proposed Resolution No. OC SAN 21-23

Proposed Financing Corporation Resolution No. FC-29

Draft Installment Purchase Agreement

Draft Trust Agreement

Draft Notice of Intention to Sell
Draft Official Notice Inviting Bids
Draft Preliminary Official Statement
Draft Continuing Disclosure Agreement

20. NINTEX APPLICATION DEVELOPMENT SERVICES

2021-2043

RECOMMENDATION:

Approve a Professional Services Agreement to AgreeYa Solutions, Inc. to provide Nintex Application Development Services, Specification No. CS-2021-1243BD, for a total amount not to exceed \$300.000.

Originator: Lorenzo Tyner

Attachments: Agenda Report

Professional Services Agreement

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

21. DRAFT 2022 LEGISLATIVE AND REGULATORY PLAN

2021-1981

RECOMMENDATION:

Receive and file the Orange County Sanitation District 2022 Legislative and Regulatory Plan.

Originator: Jim Herberg

Attachments: Agenda Report

2022 Draft Legislative & Regulatory Plan
Presentation - Legislative & Regulatory Plan

STEERING COMMITTEE:

22. DIRECT ACCESS ENERGY PURCHASE PROGRAM

2021-2045

RECOMMENDATION:

- A. Approve Orange County Sanitation District's participation in the Southern California Edison Direct Access Program;
- B. Authorize the General Manager to select an energy service provider and execute a Direct Access Purchase Contract with a registered vendor for the period of

January 11, 2022 to June 30, 2022, in a form approved by General Counsel; and

C. Direct staff to initiate the procurement of a long-term direct access purchase agreement for continuation of service, for Board approval by June 30, 2022.

Originator: Rob Thompson

Attachments: Agenda Report

23. BAY BRIDGE PUMP STATION FORCE MAIN ISOLATION VALVE REPLACEMENT, PROJECT NO. FRC-0013

2021-2046

RECOMMENDATION:

Ratify approval of a contingency increase of \$52,118 (18%) to the Emergency Repair Service Contract with Charles King Company for Bay Bridge Pump Station Force Main Isolation Valve Replacement, Project No. FRC-0013, for a total contingency of \$196,911 (68%).

Originator: Kathy Millea

Attachments: Agenda Report

Recess Orange County Sanitation District Board of Directors Meeting.

ORANGE COUNTY SANITATION DISTRICT FINANCING CORPORATION

The members of the Orange County Sanitation District Board of Directors are each being compensated \$212.50 for the Board Meeting; there is no additional compensation for the Financing Corporation Meeting.

CALL TO ORDER

Board of Directors, Orange County Sanitation District Financing Corporation

ROLL CALL AND DECLARATION OF QUORUM

Secretary of the Financing Corporation

APPROVAL OF MINUTES

FC-1 APPROVAL OF MINUTES - ORANGE COUNTY SANITATION DISTRICT 2021-2020 FINANCING CORPORATION

RECOMMENDATION:

Approve Minutes of the Regular Meeting of the Orange County Sanitation District Financing Corporation held May 26, 2021.

Originator: Kelly Lore

Attachments: Agenda Report

05-26-2021 Financing Corporation Meeting Minutes

NON-CONSENT:

FC-2 WASTEWATER REFUNDING REVENUE OBLIGATIONS, SERIES 2022A

2021-1839

RECOMMENDATION:

Adopt Resolution No. FC-29 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Financing Corporation authorizing the execution and delivery by the Corporation of an Installment Purchase Agreement and a Trust Agreement in connection with the Orange County Sanitation District Wastewater Refunding Revenue Obligations, Series 2022A, authorizing the execution and delivery of such Revenue Obligations evidencing principal in an aggregate amount of not to exceed \$107,315,000 and authorizing the execution of necessary documents and related actions."

Originator: Lorenzo Tyner

Attachments: Agenda Report

Proposed Financing Corporation Resolution No. FC-29

Draft Installment Purchase Agreement

Draft Trust Agreement

Adjourn Board of Directors, Orange County Sanitation District Financing Corporation.

Reconvene the Orange County Sanitation District Board of Directors meeting.

NON-CONSENT:

24. CONTINUATION OF TELECONFERENCED PUBLIC MEETINGS

2021-2035

RECOMMENDATION:

Adopt Resolution No. OC SAN 21-24 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".

Originator: Lorenzo Tyner

Attachments: Agenda Report

Resolution No. OC SAN 21-24

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

This item allows Board members to provide a brief oral report regarding the disclosure of outside committees, conferences, training, seminars, etc. attended at the Agency's expense, per Government Code §53232.3(d).

CLOSED SESSION:

During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chairperson may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government Code Sections 54956.8, 54956.9, 54957 or 54957.6, as noted.

Reports relating to (a) purchase and sale of real property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

CONVENE IN CLOSED SESSION.

CS-1 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - 2021-2044 GOVERNMENT CODE SECTION 54956.9(d)(1)

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 1

Arlin Blazevic v. Orange County Sanitation District; Natasha Dubrovski; Lorenzo Tyner; and Does 1-100, inclusive, Superior Court of California, County of Orange, Case No. 30-2020-01149812-CU-WT-CJC.

Attachments: Agenda Report

General Counsel Memo re Blazevic Litigation Board 12-15-21

RECONVENE IN OPEN SESSION.

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

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

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

At this time Directors may request staff to place an item on a future agenda.

ADJOURNMENT:

Adjourn the Board meeting until the Regular Meeting of the Board of Directors on January 26, 2022 at 6:00 p.m.