



## **SPECIAL NOTICE**

### **PUBLIC ATTENDANCE & PARTICIPATION AT PUBLIC MEETINGS**

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.

#### **IN-PERSON MEETING ATTENDANCE**

You may attend the meeting in-person at the following location:

Orange County Sanitation District  
Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708

#### **ONLINE MEETING PARTICIPATION**

As a convenience for the public, the meeting may also be accessed live via Teams on your computer or similar device or web browser using the link below. As this is an in-person meeting and the Teams component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, the meeting will continue and will not be suspended.

[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: 304 402 791#

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.**

### **WATCH THE MEETING ONLINE**

The meeting will be available for online viewing at:

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

### **SUBMIT A COMMENT**

You may 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](mailto: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.

*For any questions and/or concerns, please contact the Clerk of the Board's office at 714-593-7433. Thank you for your interest in OC San!*

May 17, 2023

**NOTICE OF SPECIAL MEETING**

**STEERING COMMITTEE  
ORANGE COUNTY SANITATION DISTRICT**

**Wednesday, May 24, 2023 – 4:30 P.M.**

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708

**ACCESSIBILITY FOR THE GENERAL PUBLIC**

Your participation is always welcome. Specific information as to how to participate in this meeting is detailed on the Special Notice attached to this agenda. In general, OC San offers several ways in which to interact during this meeting: you may participate in person, 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 Special Meeting of the Steering Committee of the Orange County Sanitation District will be held at the above location and in the manner indicated on Wednesday, May 24, 2023 at 4:30 p.m.

  
\_\_\_\_\_  
Clerk of the Board

- 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

**STEERING COMMITTEE & BOARD MEETING DATES**

June 28, 2023

July 26, 2023

August 23, 2023

September 27, 2023

October 25, 2023

***November 15, 2023 \****

***December 14, 2023 \*\****

January 24, 2024

February 28, 2024

March 27, 2024

April 24, 2024

May 22, 2024

***\* Meeting will be held on the third Wednesday of the month***  
***\*\* Meeting will be held on the second Thursday of the month***



**ROLL CALL  
STEERING COMMITTEE**

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Meeting Date: May 24, 2023

Time: 4:30 p.m.

Adjourn: \_\_\_\_\_

**COMMITTEE MEMBERS (7)**

Chad Wanke, Board Chair	
Ryan Gallagher, Board Vice-Chair	
Marshall Goodman, Operations Committee Chair	
Christine Marick, Administration Committee Chair	
Pat Burns, Member-At-Large	
Jon Dumitru, Member-At-Large	
John Withers, Member-At-Large	

**OTHERS**

Brad Hogin, General Counsel	
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**STAFF**

Rob Thompson, General Manager	
Lorenzo Tyner, Assistant General Manager	
Mike Dorman, Director of Engineering	
Lan Wiborg, Director of Environmental Services	
Wally Ritchie, Director of Finance	
Laura Maravilla, Director of Human Resources	
Riaz Moinuddin, Director of Operations & Maintenance	
Kelly Lore, Clerk of the Board	

**ORANGE COUNTY SANITATION DISTRICT**  
**BOARD OF DIRECTORS**  
**Complete Roster**

Effective 03/13/2023

<b>AGENCY/CITIES</b>	<b>ACTIVE DIRECTOR</b>	<b>ALTERNATE DIRECTOR</b>
Anaheim	Stephen Faessel	Natalie Meeks
Brea	Christine Marick	Cecilia Hupp
Buena Park	Susan Sonne	Art Brown
Cypress	Scott Minikus	Bonnie Peat
Fountain Valley	Glenn Grandis	Ted Bui
Fullerton	Bruce Whitaker	Nick Dunlap
Garden Grove	Steve Jones	John O'Neill
Huntington Beach	Pat Burns	Gracey Van Der Mark
Irvine	Farrah N. Khan	Tammy Kim
La Habra	Rose Espinoza	Jose Medrano
La Palma	Marshall Goodman	Debbie Baker
Los Alamitos	Jordan Nefulda	Emily Hibard
Newport Beach	Brad Avery	Erik Weigand
Orange	Jon Dumitru	John Gyllenhammer
Placentia	Chad Wanke	Ward Smith
Santa Ana	Johnathan Ryan Hernandez	Benjamin Vazquez
Seal Beach	Schelly Sustarsic	Nathan Steele
Stanton	David Shawver	Carol Warren
Tustin	Ryan Gallagher	Austin Lumbard
Villa Park	Robbie Pitts	Jordan Wu
<b>Sanitary/Water Districts</b>		
Costa Mesa Sanitary District	Bob Ooten	Art Perry
Midway City Sanitary District	Andrew Nguyen	Mark Nguyen
Irvine Ranch Water District	John Withers	Douglas Reinhart
Yorba Linda Water District	Phil Hawkins	Tom Lindsey
<b>County Areas</b>		
Board of Supervisors	Doug Chaffee	Donald P. Wagner



**STEERING COMMITTEE**  
**Special Meeting Agenda**  
**Wednesday, May 24, 2023 - 4:30 PM**  
**Conference Room A**  
**Administration Building**  
**10844 Ellis Avenue**  
**Fountain Valley, CA 92708**  
**(714) 593-7433**

**ACCOMMODATIONS FOR THE DISABLED:** If you require any special disability related accommodations, please contact the Orange County Sanitation District (OC San) Clerk of the Board's office at (714) 593-7433 at least 72 hours prior to the scheduled meeting. Requests must specify the nature of the disability and the type of accommodation requested.

**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 OC San's Administration Building located at 10844 Ellis Avenue, Fountain Valley, California, and on the OC San's website at [www.ocsan.gov](http://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 RECORDING:** A 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](mailto:klore@ocsan.gov) at least 14 days before the meeting.

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

General Manager: Rob Thompson, [rthompson@ocsan.gov](mailto:rthompson@ocsan.gov) / (714) 593-7110  
Asst. General Manager: Lorenzo Tyner, [ltyner@ocsan.gov](mailto:ltyner@ocsan.gov) / (714) 593-7550  
Director of Engineering: Mike Dorman, [mdorman@ocsan.gov](mailto:mdorman@ocsan.gov) / (714) 593-7014  
Director of Environmental Services: Lan Wiborg, [lwiborg@ocsan.gov](mailto:lwiborg@ocsan.gov) / (714) 593-7450  
Director of Finance: Wally Ritchie, [writchie@ocsan.gov](mailto:writchie@ocsan.gov) / (714) 593-7570  
Director of Human Resources: Laura Maravilla, [lmavilla@ocsan.gov](mailto:lmavilla@ocsan.gov) / (714) 593-7007  
Director of Operations & Maintenance: Riaz Moinuddin, [rmoinuddin@ocsan.gov](mailto:rmoinuddin@ocsan.gov) / (714) 593-7269

**CALL TO ORDER****ROLL CALL AND DECLARATION OF QUORUM:**

Clerk of the Board

**PUBLIC COMMENTS:**

*Your participation is always welcome. Specific information as to how to participate in a 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 participate in person, 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.*

**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 Committee, after one motion, without discussion. Any items withdrawn from the Consent Calendar for separate discussion will be considered in the regular order of business.*

**1. APPROVAL OF MINUTES****[2023-2948](#)****RECOMMENDATION:**

Approve minutes of the Regular meeting of the Steering Committee held April 26, 2023.

**Originator:** Kelly Lore

**Attachments:** [Agenda Report](#)  
[04-26-2023 Steering Committee Minutes](#)

**2. 2023-2026 CONTRIBUTION TO THE CENTER FOR DEMOGRAPHIC RESEARCH****[2023-2925](#)**

**RECOMMENDATION:** Recommend to the Board of Directors to:

Approve and authorize the General Manager to execute a three-year Memorandum of Understanding with California State University Fullerton Auxiliary Services Corporation for the continued operation of the Center for Demographic Research for the period July 1, 2023 through June 30, 2026, for a total amount not to exceed \$207,872.

**Originator:** Mike Dorman

**Attachments:** [Agenda Report](#)  
[CDR MOU 2023-2026](#)

**3. LETTER OF OPPOSITION TO AB 1216 [2023-2983](#)**

**RECOMMENDATION:**

Approve a Letter of Opposition to Assembly Bill 1216 (Muratsuchi).

**Originator:** Rob Thompson

**Attachments:** [Agenda Report](#)  
[AB 1216 \(Muratsuchi\) Letter of Opposition](#)  
[AB 1216 Bill Text](#)

**4. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF APRIL 2023 [2023-2984](#)**

**RECOMMENDATION:** Recommend to the Board of Directors to:

Receive and file the Legislative Affairs Update for the month of April 2023.

**Originator:** Rob Thompson

**Attachments:** [Agenda Report](#)  
[ENS Legislative Update](#)  
[Federal Legislative Matrix](#)  
[TPA Legislative Update](#)  
[State Legislative Matrix](#)

**5. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF APRIL 2023 [2023-2989](#)**

**RECOMMENDATION:** Recommend to the Board of Directors to:

Receive and file the Public Affairs Update for the month of April 2023.

**Originator:** Rob Thompson

**Attachments:** [Agenda Report](#)  
[Outreach and Media Report - April 2023](#)

**NON-CONSENT:**

**6. SELECTION OF HONOR WALK BRICK RECIPIENTS AND EMPLOYEE DEDICATIONS [2023-2928](#)**

A. Approve nominated former employees Marc Dubois and Jack Ellis as Honor Walk brick recipients for the year 2023;

B. Consideration of former Board Members Carolyn Cavecche, Larry Crandall, Jim Ferryman, and Greg Sebourn as Honor Walk brick recipients for the year 2023; and

C. Approve Brian Bingman and Linda Losurdo for tunnel dedications.

**Originator:** Rob Thompson

**Attachments:** [Agenda Report](#)  
[Nomination Form for Employee Marc Dubois](#)  
[Nomination Form for Employee Jack Ellis](#)  
[Nomination Form for Board Member Carolyn Cavecche](#)  
[Nomination Form for Board Member Larry Crandall](#)  
[Nomination Form for Board Member Jim Ferryman](#)  
[Nomination Form for Board Member Greg Sebourn](#)

**7. PROPOSED ORDINANCE NO. OC SAN-58A AMENDING ORDINANCE [2023-2982](#)  
NO. OC SAN-58 TO CORRECT AN ERROR IN THE TABLE OF  
SECTION 2.03(B)(1)**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Motion to read Ordinance No. OC SAN-58A by title only and waive first reading of said entire Ordinance;
- B. Introduce Ordinance No. OC SAN-58A, entitled: "An Ordinance of the Board of Directors of Orange County Sanitation District, Amending Ordinance No. OC SAN-58 to correct an error in the table of Section 2.03(B)(1)";
- C. Set June 28, 2023 as the date for the second reading of Ordinance No. OC SAN-58A"; and
- D. Direct the Clerk of the Board to publish summaries of the Ordinance as required by law.

**Originator:** Wally Ritchie

**Attachments:** [Agenda Report](#)  
[Proposed Ordinance No. OC SAN-58A](#)  
[Ordinance No. OC SAN-58](#)

**8. FURNITURE, FIXTURES, AND EQUIPMENT PURCHASE UPDATED [2023-2998](#)  
APPROVAL FOR HEADQUARTERS COMPLEX AT PLANT NO. 1,  
PROJECT NO. P1-128A**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Rescind approval of a Purchase Order Contract to GM Business Interiors (GMBI) for the purchase of furniture for the Headquarters Complex at Plant No. 1, Project No. P1-128A, utilizing the County of Orange Regional Cooperative Agreement No. RCA-017-22010154 for a total amount not to exceed \$3,907,183 including freight and sales tax and a contingency of \$39,072 (1%); and
- B. Approve a Purchase Order Contract to PeopleSpace, Inc. for the purchase of furniture for the Headquarters Complex at Plant No. 1, Project No. P1-128A, utilizing the cooperative contract with the County of Orange Regional Cooperative Agreement No. RCA-017-22010154, the National Cooperative Purchasing Alliance (NCPA) Agreement Nos. 07-43 and 07-84, and OMNIA Contract No. R191803 for a total amount not to exceed \$4,995,819 including freight and sales tax.

**Originator:** Mike Dorman

**Attachments:** [Agenda Report](#)  
[Presentation - FFE Purchase Updated Approval](#)

**INFORMATION ITEMS:**

None.

**DEPARTMENT HEAD REPORTS:**

**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 - [2023-2981](#)  
GOVERNMENT CODE SECTION 54956.9(d)(1)**

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 2

- A. 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; and
- B. Raul Palazuelos v. Orange County Sanitation District, a government entity; Richard Kwiecien, an individual; and Does 1 through 100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01217839-CU-OE-CJC.

**Attachments:** [Agenda Report](#)  
[CS-1A Steering Committee Closed Session Memo re Blazevic Litigation 5-24-23](#)  
[CS-1B Steering Committee Closed Session Memo re Palazuelos Litigation 5-24-23](#)

**RECONVENE IN REGULAR 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 meeting until the Regular Meeting of the Steering Committee on June 28, 2023 at 5:00 p.m.





# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

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**File #:** 2023-2948

**Agenda Date:** 5/24/2023

**Agenda Item No:** 1.

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**FROM:** Robert Thompson, General Manager  
Originator: Kelly A. Lore, Clerk of the Board

**SUBJECT:**

**APPROVAL OF MINUTES**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION:

Approve minutes of the Regular meeting of the Steering Committee held April 26, 2023.

**BACKGROUND**

In accordance with the Board of Directors Rules of Procedure, an accurate record of each meeting will be provided to the Directors for subsequent approval at the following meeting.

**RELEVANT STANDARDS**

- Resolution No. OC SAN 22-37

**ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Minutes of the Steering Committee meeting held April 26, 2023



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**CALL TO ORDER**

A regular meeting of the Steering Committee of the Orange County Sanitation District was called to order by Board Chairman Chad Wanke on Wednesday, April 26, 2023 at 5:03 p.m. in the Administration Building of the Orange County Sanitation District.

**ROLL CALL AND DECLARATION OF QUORUM:**

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

**PRESENT:** Chad Wanke, Ryan Gallagher, Marshall Goodman, Christine Marick, John Withers and Jon Dumitru  
**ABSENT:** Pat Burns

**STAFF PRESENT:** Rob Thompson, General Manager; Lorenzo Tyner, Assistant General Manager; Michael Dorman, Acting Director of Engineering; Laura Maravilla, Director of Human Resources; Riaz Moinuddin, Director of Operations and Maintenance; Kelly Lore, Clerk of the Board; Jennifer Cabral; Mortimer Caparas; Tanya Chong; Raul Cuellar; Thys DeVries; Perla Rodriguez; and Ruth Zintzun were present in Conference Room A. Lan Wiborg, Director of Environmental Services; Mo Abiodun; Justin Fenton; Tina Knapp; Anni Larkins; Valerie Ratto; and Thomas Vu were present telephonically.

**OTHERS PRESENT:** Brad Hogin, General Counsel, was present in the Conference Room. Eric O'Donnell and Cori Takkinen, Townsend Public Affairs; and Eric Sapirstein, ENS, were present telephonically.

**PUBLIC COMMENTS:**

None.

**REPORTS:**

Chair Wanke announced that he had recently chosen three members of the Steering Committee (Ryan Gallagher, Jon Dumitru, and Christine Marick) to serve on an informal Legal Services Ad Hoc Committee along with staff. He stated the Committee was created to study, interview firms, and recommend as-needed legal services to support Human Resources in employment related cases.

Vice-Chair Ryan Gallagher provided a brief update on the status and progress of the Committee which had recently met and reviewed the scope of the Committee and staff's proposed options for soliciting firms through various processes consistent with OC San's

Purchasing Ordinance. He stated that staff will develop and recommend a solicitation document which will be reviewed by the Committee in June.

General Manager Rob Thompson introduced the newest members of the Executive Management Team, Director of Engineering Mike Dorman and Director of Finance Wally Ritchie.

### **CONSENT CALENDAR:**

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

[2023-2901](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve minutes of the Regular meeting of the Steering Committee held March 22, 2023.

**AYES:** Chad Wanke, Ryan Gallagher, Marshall Goodman, Christine Marick and Jon Dumitru

**NOES:** None

**ABSENT:** Pat Burns and John Withers

**ABSTENTIONS:** None

#### **2. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF MARCH 2023**

[2023-2922](#)

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO: Recommend to the Board of Directors to:

Receive and file the Public Affairs Update for the month of March 2023.

**AYES:** Chad Wanke, Ryan Gallagher, Marshall Goodman, Christine Marick and Jon Dumitru

**NOES:** None

**ABSENT:** Pat Burns and John Withers

**ABSTENTIONS:** None

#### **3. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF MARCH 2023**

[2023-2923](#)

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO: Recommend to the Board of Directors to:

Receive and file the Legislative Affairs Update for the month of March 2023.

**AYES:** Chad Wanke, Ryan Gallagher, Marshall Goodman, Christine Marick and Jon Dumitru  
**NOES:** None  
**ABSENT:** Pat Burns and John Withers  
**ABSTENTIONS:** None

*Director John Withers arrived at the meeting at approximately 5:09 p.m.*

**NON-CONSENT:**

**4. WESTMINSTER BOULEVARD FORCE MAIN REPLACEMENT, [2023-2920](#)  
PROJECT NO. 3-62**

**Originator:** Mike Dorman

Engineering Manager Raul Cuellar presented a PowerPoint presentation which provided information regarding the location and nature of the project, the extensive construction changes and damages, scheduling, and the necessary contingency request.

MOVED, SECONDED, AND DULY CARRIED TO: Recommend to the Board of Directors to:

- A. Approve a project budget increase of \$900,000 for Westminster Boulevard Force Main Replacement, Project No. 3-62, for a new total project budget of \$43,900,000; and
- B. Approve a contingency increase of \$1,109,720 (4%) to the existing Construction Agreement with Teichert Energy & Utilities Group, Inc. for Westminster Boulevard Force Main Replacement, Project No. 3-62, for a new total contingency amount of \$3,884,020 (14%).

**AYES:** Chad Wanke, Ryan Gallagher, Marshall Goodman, Christine Marick, John Withers and Jon Dumitru  
**NOES:** None  
**ABSENT:** Pat Burns  
**ABSTENTIONS:** None

**5. LETTERS OF SUPPORT FOR: AB 727, AB 334, AB 246, AND AB 234 [2023-2924](#)**

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Letters of Support for:

- A. Assembly Bill 727 (Weber)
- B. Assembly Bill 334 (Rubio)
- C. Assembly Bill 246 (Papan)
- D. Assembly Bill 234 (Bauer-Kahan)

**AYES:** Chad Wanke, Ryan Gallagher, Marshall Goodman, Christine Marick, John Withers and Jon Dumitru

**NOES:** None

**ABSENT:** Pat Burns

**ABSTENTIONS:** None

**INFORMATION ITEMS:**

None.

**DEPARTMENT HEAD REPORTS:**

None.

**CLOSED SESSION:**

**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1).**

The Committee convened in closed session at 5:18 p.m. Confidential minutes of the Closed Session 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 EXISTING LITIGATION - [2023-2919](#)  
GOVERNMENT CODE SECTION 54956.9(d)(1)**

CONVENED IN CLOSED SESSION:

Number of Cases: 1

Gilbert Barela v. Orange County Sanitation District; Steve Thornburg; Roy Reynolds; and Does 1-100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01220927-CU-WT-CJC.

**RECONVENED IN REGULAR SESSION.**

The Committee reconvened in regular session at 5:24 p.m.

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

General Counsel Brad Hogin stated there was 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:**

Chair Wanke declared the meeting adjourned at 5:25 p.m. to the next Regular Steering Committee meeting to be held on Wednesday, May 24, 2023 at 5:00 p.m.

Submitted by:

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Kelly A. Lore, MMC  
Clerk of the Board



# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

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**File #:** 2023-2925

**Agenda Date:** 5/24/2023

**Agenda Item No:** 2.

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**FROM:** Robert Thompson, General Manager  
Originator: Mike Dorman, Director of Engineering

**SUBJECT:**

**2023-2026 CONTRIBUTION TO THE CENTER FOR DEMOGRAPHIC RESEARCH**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

Approve and authorize the General Manager to execute a three-year Memorandum of Understanding with California State University Fullerton Auxiliary Services Corporation for the continued operation of the Center for Demographic Research for the period July 1, 2023 through June 30, 2026, for a total amount not to exceed \$207,872.

**BACKGROUND**

The Center for Demographic Research (CDR), located at California State University Fullerton, develops demographic and related information for Orange County. Since 1996, CDR has been supported by the Orange County Sanitation District (OC San) and other sponsoring agencies or contributing partners. OC San uses CDR information to develop wastewater flow projections, assess capacity needs for sewer conveyance and treatment facilities, and project revenues from connection fees.

**RELEVANT STANDARDS**

- Maintain and adhere to appropriate internal planning documents
- Sustain 1, 5, 20-year planning horizons
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

**PROBLEM**

OC San's sponsorship of the CDR will end on June 30, 2023. Without OC San's contribution to the CDR, the program will be impacted, and OC San specific products may no longer be prepared or be available for OC San's use. These CDR prepared products are used for various master planning efforts at OC San.

## **PROPOSED SOLUTION**

Continue OC San's support of the CDR as a Contributing Partner by approving the 2023-2026 Memorandum of Understanding (MOU).

## **TIMING CONCERNS**

The CDR MOU must be executed by OC San's General Manager and returned to CDR by June 30, 2023.

## **RAMIFICATIONS OF NOT TAKING ACTION**

OC San will no longer be a supporting member of the CDR, will not receive OC San specific population estimates and projections, and may not be eligible to receive other CDR generated reports and information. Similar information would need to be prepared via other means to continue OC San's standard processes.

## **PRIOR COMMITTEE/BOARD ACTIONS**

April 2020 - Approved a three-year Memorandum of Understanding with California State University Fullerton Auxiliary Services Corporation for operation of the Center for Demographic Research for the period July 1, 2020 through June 30, 2023, for a total amount not to exceed \$331,504.

## **ADDITIONAL INFORMATION**

The CDR produces demographic based information such as the "Orange County Progress Report," "Orange County Projections" and census, and employment data by traffic analysis zone. CDR is funded by the California State University Fullerton and via local agencies that serve as Sponsors or Contributing Partners. Sponsors include the County of Orange, Orange County Council of Governments, Orange County Transportation Authority, Transportation Corridor Agencies, Southern California Association of Governments, Municipal Water District of Orange County (MWDOC), and OCWD. Contributing Partners include the Orange County Local Agency Formation Commission and OC San.

Over the course of the three-year MOU, the CDR will operate with a budget of \$3,376,414. California State University Fullerton shall contribute a total of \$614,090, each of the six sponsorships shall contribute \$405,742 (MWDOC and OCWD share a sponsorship) and Contributing Partners contributions are reflective of work elements to be performed.

As part of this MOU, OC San is transitioning from a Sponsor to a Contributing Partner. This change will reduce OC San's membership costs moving forward by half and ensure that OC San will still receive organization specific information on an annual basis. The 2023-2026 MOU establishes OC San Contributing Partner fees at \$65,433 for 2023-24, \$69,789 for 2024-25, and \$72,649 for 2025-26 - a total of \$207,872 over three years.

Overall CDR costs increases are due to state minimum wage changes, required health benefits coverage, additional staffing to cover 2024 base year employment survey, and salary increases based on a 2022 Compensation and Classification survey.



**CEQA**

N/A

**FINANCIAL CONSIDERATIONS**

The cost of support has been budgeted within the Operational Budget of Division 740 under Operating Expense (FY2022-23 and 2023-224 Budget, Section 6, page 56) since 2014. If approved, this item will continue to be budgeted within the same line item.

**ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Memorandum of Understanding

JF:op

**MEMORANDUM OF UNDERSTANDING**  
**by and between**  
**ORANGE COUNTY INTERESTS**  
**and**  
**CSU FULLERTON AUXILIARY SERVICES CORPORATION**  
**for the**  
**CONTINUED OPERATION OF THE CENTER FOR DEMOGRAPHIC RESEARCH**  
**AT CALIFORNIA STATE UNIVERSITY, FULLERTON**

This Memorandum of Understanding (“MOU”) is entered into between the County of Orange, Transportation Corridor Agencies, Orange County Transportation Authority, Municipal Water District of Orange County, Orange County Water District, Orange County Council of Governments, Southern California Association of Governments (“SPONSORS”); the Orange County Local Agency Formation Commission and Orange County Sanitation District (“CONTRIBUTING PARTNERS”) and the CSU Fullerton Auxiliary Services Corporation, (“ASC”), which is a 501 (c)3 California corporation organized under California law as an auxiliary organization of California State University, Fullerton (“CSUF”). This MOU is for the development of demographic data and related support products. Obligations and rights specified for CSUF in the MOU shall be exercised by the ASC.

**WHEREAS**, the development of demographic and related information for Orange County is a vital data source used for a wide range of local, subregional and regional applications, including, transportation infrastructure planning, facilities planning and timing, development of fee programs, bond revenue stream analysis, general planning and other applications; and

**WHEREAS**, a number of primary users of data in Orange County have recognized the benefit of having a local area expertise in developing demographic projections and associated products; and

**WHEREAS**, these SPONSORS, CONTRIBUTING PARTNERS, and CSUF agree on the importance of having a single entity in Orange County developing demographic products and providing such products to data users; and

**WHEREAS**, these agencies also desire to establish a long-term process which allows each individual agency participation in the development and review of demographic products; and

**WHEREAS**, the Center for Demographic Research (“CDR”) located at CSUF provides an opportunity to place demographic activities in a setting that accomplishes SPONSORS’ and CONTRIBUTING PARTNERS’ objectives and provides augmented educational opportunities for CSUF; and

**WHEREAS**, CSUF will be listed as a “SPONSOR” based upon their financial contribution as outlined in the budget in Attachment 1 and in-kind contributions for the balance of the remaining Sponsor seat; and

**WHEREAS**, the SPONSORS have worked cooperatively in supporting and organizing the Center for Demographic Research for 27 years and wish to continue their cooperation; and

**WHEREAS**, the CONTRIBUTING PARTNERS wish to participate in supporting the Center for Demographic Research beginning in Fiscal Year 2010/2011; and

**NOW, THEREFORE, IT IS RESOLVED** that the **SPONSORS, CONTRIBUTING PARTNERS**, and the ASC agree as follows:

1. The SPONSORS and CONTRIBUTING PARTNERS will fund the CDR for the next three years for an annual total fee as set forth in Item IV below and Attachment 1.
2. Process and Structure
  - A. Orange County Projections

The Orange County Council of Governments (“OCCOG”) will be responsible for the approval of the Orange County Projections at the Regional Statistical Area level and subsequent to that action the County of Orange will approve the Orange County Projections. The OCCOG will work with CDR staff to integrate the Orange County Projections as approved into the Southern California Association of Governments (“SCAG”) Regional Growth Forecast. Sponsors will make good faith efforts to use the Orange County Projections data in all future forecasting and planning efforts.

B. Management Oversight

The Management Oversight Committee (“MOC”) shall meet at least four (4) times each year to (1) consider policy matters associated with the operations of the Center for Demographic Research, (2) review products status and activities which are part of the core Work Program, (3) review the Center for Demographic Research’s financial status and status of MOU signatures, (4) set CDR budget and modify staff salaries funded by this MOU (5) consider requests from additional agencies wishing to become sponsors or contributing partners, (6) modify budget and work program upon addition or termination of a sponsor or contributing partner, (7) address other matters vital to the function of the Center for Demographic Research, and (8) undertake additional tasks as requested by the SPONSORS.

The Management Oversight Committee will be comprised of staff representing the SPONSORS, CONTRIBUTING PARTNERS and CSUF. Each SPONSOR will have one voting member of equal standing on the Management Oversight Committee including one member jointly representing the Municipal Water District of Orange County and the Orange County Water District; each CONTRIBUTING PARTNER will have one non-voting Ex-Officio member. The designees from each SPONSOR, CONTRIBUTING PARTNER, and the university shall be named by July 1 of each year. An organization may also designate an individual(s) to serve as an alternate

member of the Management Oversight Committee. The committee chair and vice-chair will be elected for a three-year term from voting members.

C. Technical Oversight:

The Technical Advisory Committee (“TAC”) provides technical guidance and input into the development of each product produced under this MOU before they are reviewed by the Management Oversight Committee. The Technical Advisory Committee advises the Director of the Center for Demographic Research, as well as reports to the Management Oversight Committee. The Committee will include one voting representative from each SPONSOR including a member representing the Municipal Water District of Orange County and the Orange County Water District; each CONTRIBUTING PARTNER will have one non-voting Ex-Officio member. University participation on the Technical Advisory Committee will include at least one voting member from CSUF, and one voting member each from the University of California, Irvine and Chapman University. The Director of the Center for Demographic Research will coordinate with research centers at these universities to ensure data consistency. The designees from each SPONSOR, CONTRIBUTING PARTNER, and agency shall be named by July 1 of each year. The committee chair and vice-chair will be elected for a three-year term from voting members.

The Technical Advisory Committee shall schedule at least four (4) meetings each year. It will (1) provide a report to the Management Oversight Committee summarizing its meetings, (2) provide advice on the approach, techniques, data sources and methods used to develop new products, (3) facilitate the acquisition of data necessary to produce products, (4) provide suggestions on the interpretation and analysis incorporated into deliverables, (5) provide input on assumptions for the development of the growth projections, (6) provide review of deliverables prior to approval by the Management Oversight Committee and (7) undertake other tasks as identified by the Management Oversight Committee.

D. Transportation Modeling Data

The Orange County Transportation Authority (“OCTA”) will be responsible for the approval of all transportation modeling variables used in the Orange County Transportation Analysis Model (“OCTAM”) at the Traffic Analysis Zone level. The transportation modeling variables shall be consistent with the Orange County Projections, as approved by the Orange County Council of Governments and the County of Orange at the Regional Statistical Area Level. The OCTA and SCAG will exercise user agreements for their consultants to access the transportation modeling variables.

3. Duration and Terminations

This agreement will become effective upon execution and ends on June 30, 2026. A review of the performance of the Center for Demographic Research in meeting its obligations under this MOU will be conducted by the Management Oversight Committee throughout the term July 2023 through June 2026. This MOU may be extended and/or amended by mutual agreement of all signatories.

A party may terminate its participation under this MOU by giving each of the other parties sixty (60) days written notice thereof. Upon said notice of termination, the SPONSOR or CONTRIBUTING PARTNER terminating its participation shall pay the balance of fees owed by the SPONSOR or CONTRIBUTING PARTNER for that given fiscal year. Each fiscal year, the SPONSORS and CONTRIBUTING PARTNERS shall review and approve in writing the MOU, work program, and funding arrangement. Such written approval shall constitute a SPONSOR’S or CONTRIBUTING PARTNER’S agreement to participate in this Agreement. In the event that ASC wishes to terminate its participation, it shall reimburse the SPONSORS and CONTRIBUTING PARTNERS any advance payments, less an amount to cover expenses related to work in progress and less costs reasonably necessary to effect such termination. If a party wishes to withdraw from the agreement, said notice shall be affected by delivery of such notice in person or by depositing said notice in the United States mail, registered or certified mail, return receipt required, postage prepaid.

4. Funding and Schedule

Respective fees shall be as follows for the following fiscal year:

<b>Payment Schedule for 2023-2026</b>	<b>2023-2024</b>	<b>2024-2025</b>	<b>2025-2026</b>	<b>Three-Year Total</b>
County of Orange	\$124,866.28	\$135,578.86	\$145,297.07	\$405,742.21
Orange County Council of Governments	\$124,866.28	\$135,578.86	\$145,297.07	\$405,742.21
Orange County Transportation Authority	\$124,866.28	\$135,578.86	\$145,297.07	\$405,742.21
Transportation Corridor Agencies	\$124,866.28	\$135,578.86	\$145,297.07	\$405,742.21
Southern California Association of Governments	\$124,866.28	\$135,578.86	\$145,297.07	\$405,742.21
Municipal Water District of Orange County	\$62,433.14	\$67,789.43	\$72,648.54	\$202,871.11
Orange County Water District	\$62,433.14	\$67,789.43	\$72,648.54	\$202,871.11
Orange County Local Agency Formation Commission	\$19,500.00	\$20,000.00	\$20,500.00	\$60,000.00
Orange County Sanitation District	\$65,433.14	\$69,789.43	\$72,648.54	\$207,871.11
<b>NON-CSUF TOTAL</b>	<b>\$834,130.82</b>	<b>\$903,262.59</b>	<b>\$964,930.96</b>	<b>\$2,702,324.37</b>
California State University, Fullerton	\$198,533.03	\$204,854.98	\$210,701.64	\$614,089.65
<b>TOTAL</b>	<b>\$1,068,663.83</b>	<b>\$1,132,117.57</b>	<b>\$1,175,632.57</b>	<b>\$3,376,413.98</b>

Payments shall be made in accordance with invoicing policies of the ASC according to the schedule below. SPONSORS and CONTRIBUTING PARTNERS will be invoiced at the beginning of each quarter. Quarterly payments equal to 25% of the annual fees shall follow invoices submitted according to the calendar below:

Fiscal Year 2023/2024: July 2023, October 2023, January 2024, April 2024  
Fiscal Year 2024/2025: July 2024, October 2024, January 2025, April 2025  
Fiscal Year 2025/2026: July 2025, October 2025, January 2026, April 2026

SPONSORS and CONTRIBUTING PARTNERS shall pay one-quarter of their annual fees upon receipt of said invoices or may prepay for an entire fiscal year. Prepayment does not imply a discounted rate.

5. Administrative Representatives

- A. The Principal Investigator for the operations and management of the Center for Demographic Research and the conduct of this MOU is Deborah Diep, Director. The Assistant Director, Rubaiya Zaman, will serve as the Principal Investigator in the Director's absence. They are authorized to negotiate supplemental services with the SPONSORS, CONTRIBUTING PARTNERS, and Non-sponsors as noted in Section VII. Sydney Dawes, Director, ASC Office of Sponsored Programs is designated as the administrative representative for the ASC. Should the Principal Investigators become unavailable for any reason, no other Principal Investigator shall be chosen by CSUF or the ASC without the approval of the SPONSORS. Furthermore, the ASC agrees that the Management Oversight Committee shall make the recommendation on the selection of the Director or interim Director of the Center for Demographic Research and no Director or interim Director shall be appointed without approval of the Management Oversight Committee. The Management Oversight Committee will serve as the search committee if a search committee for the Director is required by the ASC.
- B. Equipment and furniture purchased by ASC under the terms of this MOU shall remain the property of the SPONSORS. In the event that the Center for Demographic Research is disbanded, the equipment remains the property of the SPONSORS and the Management Oversight Committee shall determine its disposition.
- C. Databases and applications developed and maintained for the Center for Demographic Research purposes shall remain under control of the SPONSORS. In the event that Center for Demographic Research is relocated from CSUF, all Center for Demographic Research functions and designations shall accompany the Center for Demographic Research.

6. Additional Sponsorships and Revenues

Other agencies and entities can become sponsors or contributing partners of the Center for Demographic Research with unanimous agreement among the SPONSORS as determined by a vote of the Management Oversight Committee. Adjustments in sponsor fees found necessary resulting from the addition of sponsors shall be determined by the Management Oversight Committee with consultation from the Center for Demographic Research Principal Investigators.

The disposition of additional revenues generated through additional sponsors, and the sale of products and services to non-sponsors shall be determined by the Management Oversight Committee. The additional funds shall be prorated according to the respective sponsor fee. SPONSORS shall have the option of expending their share of the additional funds on CDR activities, products or equipment or having the funds returned to the SPONSORS at the end of the fiscal year.

7. Products and Deliverables

- A. The Center for Demographic Research will produce the identified core Demographic Products and Services as described in Attachment 2 and listed in Attachment 3. Each SPONSOR will receive ten (10) copies in printed form and one (1) copy of estimates and projections in electronic form.
- B. The SPONSORS and CONTRIBUTING PARTNERS have the right to request supplemental products and support services from the Center for Demographic Research through a purchase order. Projects above the amount of \$35,000 shall be approved by the ASC. Such purchases may be entered into if the SPONSOR or CONTRIBUTING PARTNER agrees to pay ASC all additional costs resulting from the additional products or services, including an indirect cost of 22%, and if the activities do not interfere with the normal functioning of the CDR. If requests for additional products or services require interference with the normal functioning of the CDR as determined by the Management Oversight Committee or additional resources from the CDR's basic budget the proposal for such products and services will be forwarded to the Management Oversight Committee for their advice and consent prior to finalization of the agreement. In all cases, supplemental work for SPONSORS and CONTRIBUTING PARTNERS shall be assessed indirect costs of 22%.
- C. Non-sponsors can contract with the Center for Demographic Research through the ASC for its services or obtain supplemental products and support services from the Center for Demographic Research through a Non-sponsor purchase order. A list of these projects will be submitted to the MOC on a quarterly basis. If the Director assesses a proposed project contains a conflict of interest, conflict of time commitment, or interference with the normal functioning of CDR, the Management Oversight Committee will be informed of the request for services and will review it for any potential conflicts. The Director shall notify the Management Oversight Committee of any such proposed agreement and provide the committee with draft text and budget, before the intended start of work. The Management Oversight Committee shall review the proposed project for possible conflicts of interests, conflicts of time commitment, and budgetary adequacy. The Management Oversight Committee may at its discretion impose a surcharge of funds to be used at its discretion. Action on these matters may be taken only with the concurrence of a majority of the members of the Management Oversight Committee and all such supplemental work for Non-sponsors shall be assessed normal indirect costs of 35.5% unless negotiated otherwise.

- D. Use of revenues generated by the sale of products produced by the Center for Demographic Research shall be determined by the Management Oversight Committee. A quarterly report on product sales will be presented to the Management Oversight Committee.
- E. Additional projects should not adversely affect the schedule of deliverables unless otherwise agreed to by the Management Oversight Committee.

8. Sponsorship

This Agreement shall be signed by all SPONSORS and CONTRIBUTING PARTNERS by June 30, 2023 with the exception of the Southern California Association of Governments. The Southern California Association of Governments shall sign this Agreement by September 30, 2023. If all SPONSORS and CONTRIBUTING PARTNERS listed in Section XVIII do not sign by September 30, 2023, the work program and budget will be modified to reflect the committed funding. If any SPONSOR or CONTRIBUTING PARTNER does not sign this Agreement, the funding amounts of the remaining SPONSORS and CONTRIBUTING PARTNERS will not change. The remaining SPONSORS and CONTRIBUTING PARTNERS are not required to make up the difference in the reduced budget. Any SPONSOR or CONTRIBUTING PARTNER listed as an ORANGE COUNTY INTEREST that does not sign this Agreement forfeits all rights, services, and privileges as a CDR SPONSOR or CONTRIBUTING PARTNER unless otherwise negotiated. A formal status report on execution will be delivered at each Management Oversight Committee meeting until all SPONSORS and CONTRIBUTING PARTNERS sign this Agreement.

9. Liability and Insurance

Each party to this MOU hereby assumes any and all risks for personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees, and agents thereof. ASC warrants that it has adequate Worker's Compensation Insurance and liability insurance for its own employees. The ASC, the SPONSORS (the County of Orange, Transportation Corridor Agencies, Orange County Transportation Authority, Municipal Water District of Orange County, Orange County Water District, Orange County Council of Governments, and Southern California Association of Governments), and the CONTRIBUTING PARTNERS (the Orange County Local Agency Formation Commission and Orange County Sanitation District) agree to indemnify and hold each other, their respective officers, employees, students, agents, harmless from and against all liability, loss, expense (including reasonable attorney's fees), or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorney's fees, or claims for injury or damages are caused by or result from negligent or intentional acts or omissions of the indemnifying party, its officers, employees, students or agents.



10. Independent Contractor

In the performance of all services and obligations under this agreement, SPONSORS, CONTRIBUTING PARTNERS, and ASC shall act as independent contractors. None shall be considered an employee or agent of the other.

11. Use of Names

SPONSORS and CONTRIBUTING PARTNERS agree not to use the names of the ASC or CSUF in any commercial connection with work performed under this Agreement without prior written permission from the ASC. SPONSORS and CONTRIBUTING PARTNERS may use said names in ordinary internal business reports concerning this Agreement and may use the names of the Center for Demographic Research and the Principal Investigators in non-commercial publicity announcing the results of the project.

ASC agrees not to use the names of SPONSORS and/or CONTRIBUTING PARTNERS in any commercial connection with this work without prior written permission from SPONSORS and/or CONTRIBUTING PARTNERS. ASC may use SPONSORS' and/or CONTRIBUTING PARTNERS' name in ordinary internal business reports concerning this agreement and in non-commercial publicity announcing the awarding of the contract.

The provisions of this Section of the Agreement shall survive for two (2) years beyond any termination date specified in Section III or any extension thereof.

12. Force Majeure

SPONSORS, CONTRIBUTING PARTNERS, and ASC shall not be liable or deemed to be in default for any delay or failure in performance under this Agreement or interruption of services resulting, directly or indirectly, from acts of God, civil or military authority, acts of public enemy, strikes, labor disputes, or any similar cause beyond the reasonable control of SPONSORS, CONTRIBUTING PARTNERS, or ASC, provided the affected party notifies the other party of the delay in writing within ten days of the onset of the delay.

13. Assignment

This Agreement shall inure to the benefit of and be binding upon and enforceable by the parties and their successors and permitted assigns. However, neither party may assign any of its rights or obligations under this Agreement without the prior written consent of the other.

14. Modification and Waiver

None of the terms of the Agreement may be waived or modified except by an express agreement in writing signed by SPONSORS, CONTRIBUTING PARTNERS, and ASC. Modifications not documented in writing cannot be enforced. The failure or delay of

either party in enforcing any of its rights under this Agreement shall not be deemed a continuing waiver or a modification by such party of such right.

15. Governing Law

The validity and interpretation of this Agreement shall be governed by the laws of the State of California.

16. Federal Statutes Relating to Nondiscrimination

ASC will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S. C. sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S. C. section 794), which prohibits discrimination on the basis of handicaps; (d) Age discrimination Act of 1975, as amended (42 U.S.C. sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.O. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-d and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. section 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (I) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirement of any other federal nondiscrimination statute(s) which may apply to the application.

17. Execution of MOU

This MOU, or any amendment related thereto, may be executed in multiple counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same agreement. The signature page of this MOU or any amendment may be executed by way of a manual or authorized digital signature. Delivery of an executed counterpart of a signature page to this MOU or an amendment by electronic transmission scanned pages shall be deemed effective as a delivery of a manually or digitally executed counterpart to this MOU or any amendment.

18. Special Terms and Conditions

ASC, SPONSORS, and CONTRIBUTING PARTNERS agree to comply with other Special Provisions as outlined in Attachment 4 if applicable and where a Subconsultant shall provide engineering and design related or other work that are part of services provided by ASC, SPONSOR or CONTRIBUTING PARTNER, serving as recipient (as

defined in Uniform Guidance 2 CFR § 200.1) or subrecipient (as defined in Uniform Guidance 2 CFR § 200.1) of Federal assistance.

19. Notices

Notices under this agreement shall be provided via email to the individuals listed below:

For SPONSORS:

Linh Ly  
County of Orange  
400 W. Civic Center Drive, Fifth Floor  
Santa Ana, CA 92701  
linh.ly@ocgov.com

Marnie O'Brien Primmer  
Orange County Council of Governments  
3972 Barranca Pkwy, Suite J-127  
Irvine, CA 92606  
marnie@occog.com

Kurt Brotcke  
Orange County Transportation Authority  
550 S. Main Street  
2nd Floor  
Orange, CA 92868  
kbrotcke@octa.net

Kome Ajise  
Southern California Association of Governments  
c/o Michael Houston, SCAG Chief Counsel  
900 Wilshire Blvd., Suite 1700  
Los Angeles, CA 90017  
houston@scag.ca.gov

Valarie McFall  
Transportation Corridor Agencies  
125 Pacifica, Suite 100  
Irvine, CA 92618-3304  
vmcfall@thetollroads.com

Harvey De La Torre  
Municipal Water District of Orange County  
18700 Ward Street  
Fountain Valley, CA 92728  
hdelatorre@mwdoc.com

Michael R. Markus  
Orange County Water District  
18700 Ward Street  
Fountain Valley, CA 92728-8300  
MMarkus@ocwd.com

Alexander Porter  
Administration and Finance, California State University, Fullerton  
800 N. State College Blvd., LH-802  
Fullerton, CA 92831-3599  
porter@fullerton.edu

For CONTRIBUTING PARTNERS:

Carolyn Emery  
Orange County Local Agency Formation Commission  
2677 N. Main Street, Suite 1050  
Santa Ana, CA 92705  
cemery@oclafco.org

Robert Thompson  
Orange County Sanitation District  
10844 Ellis Avenue  
Fountain Valley, CA 92738-8127  
rthompson@ocsan.gov

For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs  
CSU Fullerton Auxiliary Services Corporation  
1121 N. State College Blvd.  
Fullerton, CA 92831-3014  
sdawes@fullerton.edu

20. Execution

**IN WITNESS THEREOF**, the SPONSORS, CONTRIBUTING PARTNERS, and the ASC have executed this Agreement on the date first herein written. This Agreement is to be signed in counter parts.

**For the CSU Fullerton Auxiliary Services Corporation:**

\_\_\_\_\_  
Charles D. Kissel, Executive Director

\_\_\_\_\_  
Date

**For the County of Orange:**

\_\_\_\_\_  
Frank Kim, County Executive Officer

\_\_\_\_\_  
Date

**For the Orange County Council of Governments:**

\_\_\_\_\_  
Marnie O'Brien Primmer, Executive Director

\_\_\_\_\_  
Date

**For the Orange County Transportation Authority:**

\_\_\_\_\_  
Darrell Johnson, Chief Executive Officer

\_\_\_\_\_  
Date

**For the Southern California Association of Governments:**

\_\_\_\_\_  
Kome Ajise, Executive Director

\_\_\_\_\_  
Date

**For the Foothill/Eastern Transportation Corridor Agency:**

\_\_\_\_\_  
Valarie McFall, Interim Chief Executive Officer

\_\_\_\_\_  
Date

**For the San Joaquin Hills Transportation Corridor Agency:**

\_\_\_\_\_  
Valarie McFall, Interim Chief Executive Officer

\_\_\_\_\_  
Date

**For the Municipal Water District of Orange County:**

\_\_\_\_\_  
Megan Yoo Schneider, President of the Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Harvey De La Torre, Interim General Manager

\_\_\_\_\_  
Date

**For the Orange County Water District:**

\_\_\_\_\_  
Cathy Green, President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael R. Markus, General Manager

\_\_\_\_\_  
Date

**For the Orange County Local Agency Formation Commission:**

\_\_\_\_\_  
Carolyn Emery, Executive Officer

\_\_\_\_\_  
Date

**For the Orange County Sanitation District:**

\_\_\_\_\_  
Robert Thompson, General Manager

\_\_\_\_\_  
Date

**For California State University, Fullerton:**

\_\_\_\_\_  
Alexander Porter, Vice President for  
Administration & Finance/CFO

\_\_\_\_\_  
Date

**Attachment 1: Center for Demographic Research  
DRAFT Annual Budget: July 1, 2023 through June 30, 2026**

		<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	
1	Salaries	\$506,994.46	\$538,091.84	\$555,010.54	
2	Benefits	\$197,002.10	\$212,734.05	\$226,691.04	
3	Supplies	\$5,500.00	\$5,500.00	\$5,500.00	
4	Printing & Publications	\$11,000.00	\$11,000.00	\$11,000.00	
5	Meetings, Mileage, & Training	\$1,950.00	\$1,950.00	\$1,950.00	
6	Equipment & Virtual Data Server	\$4,300.00	\$4,300.00	\$4,300.00	
7	<b>Expenses</b>	<b>\$726,746.56</b>	<b>\$773,575.89</b>	<b>\$804,451.58</b>	
8	Federally-negotiated Indirect Cost (IDC) / Overhead: 35.5%	\$257,995.03	\$274,619.44	\$285,580.31	
9	Office space rent (not subject to IDC)	\$83,922.24	\$83,922.24	\$85,600.68	
10	<b>(A) Gross Total Program Costs</b>	<b>\$1,068,663.83</b>	<b>\$1,132,117.57</b>	<b>\$1,175,632.57</b>	
11	Contributions toward IDC				
12	Non-CSUF SPONSORS/Contributing Partner (22.0%)	\$159,884.24	\$170,186.70	\$176,979.35	
13	CSUF contribution (IDC reduction from 35.5% to 22%)	\$98,110.79	\$104,432.74	\$108,600.96	
14	Total Indirect Cost (IDC) / Overhead	\$257,995.03	\$274,619.44	\$285,580.31	
15	<b>CSUF Contribution Summary</b>				
16	Office space rent: 100% <sup>1</sup>	\$83,922.24	\$83,922.24	\$85,600.68	
17	Administrative Asst. salary support from HSS Dean <sup>1</sup>	\$16,500.00	\$16,500.00	\$16,500.00	
18	Subtotal of CSUF Monetary Contributions	\$100,422.24	\$100,422.24	\$102,100.68	
19	IDC / Overhead (Rate reduction from 35.5% to 22%) <sup>2</sup>	\$98,110.79	\$104,432.74	\$108,600.96	
20	<b>(B) Total CSUF Contribution</b>	<b>\$198,533.03</b>	<b>\$204,854.98</b>	<b>\$210,701.64</b>	
21	<b>NET CDR BUDGET TOTAL: (A) - (B) {Also (C) + (D)}</b>	<b>\$870,130.80</b>	<b>\$927,262.59</b>	<b>\$964,930.93</b>	
22	Contributing Partner (no seat): LAFCO	\$19,500.00	\$20,000.00	\$20,500.00	
23	Contributing Partner (no seat, equiv. to 1/2 seat): OC San	\$65,433.14	\$69,789.43	\$72,648.54	
24	Cost per full Sponsorship Seat to cover full budget= (Net Budget - LAFCO)/ 6.5 seat equivalent	\$130,866.28	\$139,578.86	\$145,297.07	
25	<b>(C) 2020-2023 MOU carryover to apply to remaining 6 full seats<sup>3</sup></b>	<b>\$36,000.00</b>	<b>\$24,000.00</b>	<b>\$0.00</b>	
26	Cost per Sponsorship Seat= (Net Budget - LAFCO - OC San - carryover <sup>3</sup> ) / 6 remaining seats	\$124,866.28	\$135,578.86	\$145,297.07	
	<b>Number of Seats</b>				
27	COUNTY	1	\$124,866.28	\$135,578.86	\$145,297.07
28	OCCOG	1	\$124,866.28	\$135,578.86	\$145,297.07
29	OCTA	1	\$124,866.28	\$135,578.86	\$145,297.07
30	TCA	1	\$124,866.28	\$135,578.86	\$145,297.07
31	SCAG	1	\$124,866.28	\$135,578.86	\$145,297.07
32	MWDOC <sup>4</sup>	0.5	\$62,433.14	\$67,789.43	\$72,648.54
33	OCWD <sup>4</sup>	0.5	\$62,433.14	\$67,789.43	\$72,648.54
34	CSUF	1	see above	see above	see above
35	OC San	0	\$65,433.14	\$69,789.43	\$72,648.54
36	LAFCO	0	\$19,500.00	\$20,000.00	\$20,500.00
37	<b>(D) TOTAL</b>	<b>7</b>	<b>\$834,130.82</b>	<b>\$903,262.59</b>	<b>\$964,930.96</b>

<sup>1</sup>Monetary contribution

<sup>2</sup>Non-monetary contribution (rate reduction); not included in IV. Funding and Schedule: Payment Schedule for 2020-2023, Page 4.

<sup>3</sup>Carryover is from 2020-2023 CDR MOU and is applied only to those agencies providing full seat sponsorship. \$6,000 per full seat in FY 1; \$4,000 in FY 2, \$0 in FY 3.

<sup>4</sup>MWDOC and OCWD partner to fund one sponsor seat.

## **Attachment 2 Proposed CDR 2023-2026 Services and Products**

### **REPORTS**

#### **Orange County Progress Report**

Produce an annual Orange County Progress Report. This document presents a unified and a comprehensive picture of Orange County and its 34 cities including its economic health, its demographic status and trends, and other information of interest to those who might wish to relocate to Orange County, do business in the County, or otherwise have an interest in the economic and demographic status and future of Orange County.

#### **Orange County Projections**

Preparation and development of OCP-2026 will begin during this three-year MOU with completion and adoption expected in late 2026. OCP-2026 will include continued development of Tier 3/city TAZ level for three cities (Anaheim, Irvine, and Newport Beach) that volunteered to participate in the OCP-2022 pilot Tier 3 program. This data will also be provided to SCAG for use in their modeling efforts at the Tier 3 level. The OCP dataset contains population, housing, and employment projections by 2020 census tract, jurisdiction, Community Analysis Area, and Regional Statistical Area for a 25-year period. This iteration will include agency boundaries for MWDOC & OCWD.

#### **Orange County Facts and Figures**

Update quarterly the Orange County Facts and Figures. This document focuses on the most frequently asked questions about Orange County demographics and related information.

#### **Boundary and Annexation Report**

Working with information provided by OC LAFCO, CDR staff will produce an annual report of the jurisdictional boundary changes. This multi-page report will contain a map of the year to year boundary changes and a table listing the area change and specific annexations and incorporations for each calendar year. Detailed annexation and vicinity maps from OC LAFCO's approved changes of organization documents will also be included in the report. For ease of reference and to make the information publicly available, the report will be posted on OC LAFCO's website.

#### **Housing Activity Report**

Using information from the Housing Inventory System (HIS), CDR staff will produce an annual report on the housing construction and demolition activity by jurisdiction. Information will be released in aggregate form at the jurisdiction level in a PDF.



## **PUBLIC INFORMATION SERVICES**

### **Provide Public Information on Orange County Demographics as Requested**

Provide information in response to numerous requests made by government agencies, elected officials, private companies, non-profit organizations, schools, students, and citizens regarding demographic and related information about Orange County.

### **Maintain CDR Website**

Update the information currently on the CDR website on a regular basis and expand as information becomes available. CDR will continue to host the Orange County Data Acquisition Partnership (OCDAP) website as a subsite to CDR's website.

### **Provide Information and Analysis to News Media**

Provide information, description, interviews, and analysis of demographics to news media to assist them in doing stories where demographics is the focus.

### **Update RHNA Allocations**

Develop allocations of 2020 RHNA for annexations and incorporations as requested. Provide data support to local jurisdictions and SCAG during development of the 2020 RHNA. Monitor RHNA development process to ensure Orange County data is incorporated.

### **Process Decennial Census and American Community Survey Data**

Process Bureau of Census data as it pertains to development of the Orange County Projections and at the request of CDR Sponsors.

### **State Data Center Affiliate**

The CDR will serve as a State Data Center Affiliate to the Demographic Research Unit of the California Department of Finance. As an Affiliate, CDR will assist the SDC and Orange County in disseminating census data and improving public access to census data products consistent with services CDR already provides.

## **DATA BASES**

### **Housing Inventory System**

The Housing Inventory System (HIS) is a data system that includes all changes to each jurisdiction's housing stock, including recent changes to accessory dwelling units. Data is collected at the address level and converted into a GIS database by geocoding. After geocoding, quality analysis efforts include tying activity to parcels and building footprints. Depending on the jurisdiction, different documents are used to record added units including certificates of use and occupancy, utility release log, or building final documents. Demolitions and conversions are recorded through other recordation. Changes to the mobile home inventory will be verified with HCD data. This project includes an annual review and sign off process by each jurisdiction of their geocoded data to ensure accuracy.

### **Census Data by Partial TAZ**

Update the correspondence tables of 2020 Census blocks to the TAZs after release of Census Bureau data and GIS shapefiles. As the various census files become available, transportation modeling variables and other key variables useful for projecting the modeling variables will be aggregated to TAZ.

### **Calibrate Age Cohort Component, Shift-Share and Headship Rate Models**

Based on data from the Census Bureau, DOF, and EDD data, calibrate the models used to project county-wide population, housing and employment.

### **Master Polygon File**

Update master polygon file based on the 2020 Census block file for use in development of OCP dataset and annual population and housing unit estimates. Allocate Census block data to TAZ, CAA, RSA, MWDOC and OCWD. Working with information from OC LAFCO, the master polygon file will be updated annually to include changes to agency boundaries: jurisdiction, MWDOC and OCWD.

### **Population and Housing Estimates by TAZ (OCP)**

Estimates of population and housing by unit type will be developed using the 2010 Census and American Community Survey data at the split TAZ. From 2014 onwards, housing unit changes will be geocoded and aggregated to the TAZ. Annual estimates of population and housing will be produced by TAZ for maintenance of the OCP base file.

### **Annual Population and Housing Estimates by Partial Census Tract and Sponsor Agency**

Estimates of population and housing units developed using the 2020 Census for each of the special district sponsors will be updated annually. From 2014 onwards, annual estimates (January 1) of population and housing will be produced by partial census tract and for each of the special district sponsor agencies: MWDOC and OCWD.

### **Project Total County Population, Housing, and Employment**

Draft assumptions for OCP-2026 will be developed and reviewed by the CDR TAC. These will then be incorporated into the macro level models used to project population, housing, and employment. The resulting projections will be reviewed by the CDR TAC and MOC and then brought to the OCCOG TAC and Board for approval as the controls totals for OCP-2026.

### **Projected Population, Housing and Employment by TAZ (OCP)**

Preparation and development of OCP-2026 will begin during this MOU cycle. Countywide population, housing, and employment for years 2020 through 2050 will be allocated to Traffic Analysis Zones split by jurisdictions. Following the allocation, extensive review and refinement will occur to assure the accuracy of the projections.

### **Secondary Variables by TAZ (OCTAM)**

Preparation of the base year OCTAM data for OCP-2026 will begin in this MOU cycle. The basic projected population, housing, and employment from OCP-2026 will be expanded to the 14 OCTAM variables. These variables will include resident population, group quarters population, employed residents, median income, occupied single family dwelling units, occupied multiple family dwelling units, household size, retail employment, service employment, K-12 public school employment, all other employment, school enrollment, university enrollment, and area.

### **Entitlement Dataset & Support Services**

Provide support to Orange County jurisdictions in the development of the entitlements database and other data requested by SCAG during the development of the 2024 and 2028 RTP/SCS. Monitor development process to ensure Orange County data is incorporated.

### **Consolidated Boundary and Annexation Program (CBAS)**

CDR staff will report annual jurisdictional boundary and feature changes through the voluntary program of the U.S. Census Bureau that allows for a consolidated annual review of jurisdiction boundaries. This review will be done using the official County Surveyor/OC LAFCO jurisdiction GIS boundary file. Orange County jurisdictions will be able to opt in or out of this CDR service annually. CDR will notify each participating jurisdiction and OC LAFCO of the outcome of the BAS review, i.e., whether there were any areas where jurisdiction boundaries needed to be corrected.

## **COMMITTEES**

### **Participate in Sponsor Technical Advisory Committees as Requested**

Participate in appropriate Sponsor technical advisory committees, such as OCCOG TAC, County's Demographic Steering Committee, OCTA's Modeling TAC, Orange County Data Acquisition Partnership Steering and Technical Advisory Committee, and SCAG's Technical Working Group and other regional working groups.

### **Coordinate with SCAG and SCAG Committees**

This service revolves around the incorporation of OCP into the SCAG growth forecast. This service includes participation in SCAG expert panels and workshops to develop assumptions for their population and employment projections; monitoring the discussions relevant to the development of SCAG's growth forecast at SCAG policy committees and subregional coordinator meetings; and coordinating with relevant SCAG staff on this issue.

### **Coordinate with University Research Centers**

CDR staff will coordinate with UCI and Chapman University research centers to ensure consistency between the CDR's forecast and estimates and those produced by these institutes.

**2023-2026 CONTRIBUTING PARTNER LAFCO FUNDED PROJECT: Sphere of Influence Estimates**

CDR will update its master polygon file on an annual basis with changes to the county islands and sphere of influence (SOI) boundaries. CDR will produce annual estimate of January 1 population, housing, and acreage for each of the county islands, 2020 Census Designated Places (CDPs) and SOI polygons upon completion of the annual Housing Inventory System to maintain this information in preparation for OC LAFCO’s municipal service reviews. This effort includes updates covering the period from current January 1 back to the most recent Decennial Census using population control totals from the State Department of Finance.

**Boundary and Annexation Report:** Working with OC LAFCO over the three-year MOU cycle, CDR will attempt to build a historical reference collection of these reports going back to 2000 as information is available.

**NEW PROJECTS & SERVICES**

**Building Footprints**

Using the building footprint geodatabase deliverable accessed through OCDAP, for CDR’s internal use, CDR will work to append and expand the building footprint attributes in Orange County by general use type, e.g., residential (with ADUs; using CDR’s HIS address-level housing activity geodatabase), employment, schools, and accessory structures like carports.

**2023-2026 LAFCO FUNDED PROJECT: Disadvantaged Unincorporated Communities (DUCs)**

On an annual basis after the ACS 5-year block group data is released, CDR will calculate and identify the Disadvantaged Unincorporated Communities (DUCs) within Orange County based on LAFCO’s definition. Each year, CDR will provide LAFCO with a shapefile of the DUCs in Orange County and a shapefile of the DUC portions within the unincorporated portions of Orange County. The first regular annual deliverable will be January 2024. The initial deliverable will include DUC shapefiles for latest ACS data available as of July 2023 for delivery in August 2023.

**2023-2026 CONTRIBUTING PARTNER OC SAN FUNDED PROJECT: Population Estimates**

CDR will update its master polygon file on an annual basis with changes to the OC San boundaries. CDR will produce annual estimate of January 1 population upon completion of the annual Housing Inventory System. This effort includes updates covering the period from current January 1 back to the most recent Decennial Census using population control totals from the State Department of Finance.

Attachment 3

Proposed Draft Work Program 7/2023 - 6/2026

	07/23	10/23	01/24	04/24	07/24	10/24	01/25	04/25	07/25	10/25	01/26	04/26	07/26
OC Facts and Figures		▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
Special 2020 Census Profile reports	●	▲											
OC Progress Report	▲				●	■	▲				●	■	▲
Boundary & Annexation Report				▲				▲				▲	
Housing Activity Report		▲				▲				▲			
OC Projections 2026			●	■	■	■	■	■	■	■	■	■	■
OCP 2026 secondary variables						●	■	■	■	■	■	■	■
Census Data by TAZ	■	■	■	■	■	■	■	■	■	■	■	■	■
Append Building Footprints	■	■	■	■	■	■	■	■	■	■	■	■	■
Pop & Housing by TAZ	●	■	■	■	■	■	■	■	▲	■	■	■	▲
Employment by TAZ	■	■	■	■	■	▲						●	■
Housing Inventory System	■	■	■	■	■	■	■	■	▲	■	■	■	▲
Pop & Housing by Partial CT	■	■	■	■	■	■	■	■	▲	■	■	■	▲
Special District Annual Estimates	▲			●	■	▲		●	■	▲		●	■
Calibrate Demog & Econ Models		●	■	■	■	■	▲						
Consolidated Boundary & Annexation		●	■	▲		●	■	▲		●	■	▲	
Public Information	■	■	■	■	■	■	■	■	■	■	■	■	■
Maintain CDR Homepage	■	■	■	■	■	■	■	■	■	■	■	■	■
Info for Media	■	■	■	■	■	■	■	■	■	■	■	■	■
Process Census Info	■	■	■	■	■	■	■	■	■	■	■	■	■
State Date Center Affiliate support	■	■	■	■	■	■	■	■	■	■	■	■	■
RHNA Allocations	■	■	■	■	■	■	■	■	■	■	■	■	■
2030 Census Geographic Support	■	■	■	■	■	■	■	■	■	■	■	■	■
Entitlement Dataset & Support Services	■	■	■	■	■	■	■	■	■	■	■	■	■
OC LAFCO Annual Population Estimates	▲			●	■	▲		●	■	▲		●	■
OC LAFCO Disadvantaged Communities	●	▲	●	■	▲		●	■	▲		●	■	▲
OC San Annual Population Estimates	▲			●	■	▲		●	■	▲		●	■

- Startup
- ▲ Milestone/Completion

## Attachment 4: Special Terms and Conditions

### 1. Invoicing for Payment

Prompt Payment to Subconsultants, if applicable: ASC or Subconsultant shall pay any sub-tier consultant for satisfactorily completed work no later than ten (10) days of receipt of each payment from SPONSOR or CONTRIBUTING PARTNER unless a longer period is agreed to in writing. Any delay or postponement of payment over thirty (30) calendar days may take place only for good cause and with SPONSOR or CONTRIBUTING PARTNER's prior written approval. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the ASC or Subconsultant in the event of a dispute involving late payment or nonpayment by the ASC, deficient subconsultant performance, and/or noncompliance by a subconsultant. This clause applies to both Disadvantaged Business Enterprise (DBE) and non-DBE subconsultants.

### 2. Written and Electronic Versions of Work Products and Related Work Materials

All work products produced under the Agreement shall contain the following disclaimer:

*“The preparation of this report has been financed in part through grant(s) from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) through the U.S. Department of Transportation (DOT). The contents of this report reflect the views of the author who is responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of CDR Sponsors, Contributing Partners, or DOT. This report does not constitute a standard, specification or regulation.”*

### 3. Compliance with Laws, Rules, and Regulations

ASC shall perform all services under the Agreement in accordance and in full compliance with all applicable Federal, State and local statutes, rules, regulations, and policies and procedures and shall secure and maintain all licenses or permits required by law.

### 4. Contingency Fees or other Unlawful Consideration

a. ASC certifies, by execution of this MOU, except bona fide employees or bona fide established commercial or selling agencies maintained by ASC for the purpose of securing business, no person or external agency has been employed or retained by ASC to solicit or secure the Agreement for a commission, percentage, brokerage, or contingency fee for breach or violation of this warranty, SPONSOR or CONTRIBUTING PARTNER has the right in its sole discretion to terminate its partnership from the Agreement with its only obligation to pay for the value of the work actually performed, or to deduct from the Agreement price, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingency fee.

b. ASC further certifies that the Agreement was not obtained or secured through rebates,

kickbacks or other unlawful consideration either promised or paid to any SPONSOR or CONTRIBUTING PARTNER employee. For breach or violation of this warranty, SPONSOR or CONTRIBUTING PARTNER shall have the right, in its discretion, to terminate its partnership from the Agreement without liability, to pay only for the value of work performed, or to deduct from the Agreement price or otherwise recover the full amount of each rebate, kickback or other unlawful consideration.

## 5. Records Retention and Audits

- a. ASC and its Subconsultant(s), if applicable, shall maintain all source documents, books, and records connected with their performance of the Agreement for a minimum of three (3) years from the date that SPONSOR or CONTRIBUTING PARTNER makes final payment to ASC or until audit resolution is achieved for each annual OWP Agreement (between SPONSOR or CONTRIBUTING PARTNER and Caltrans), whichever is later, and all other related, pending matters are closed.
- b. ASC shall establish and maintain, an accounting system conforming to Generally Accepted Accounting Principles (GAAP) to support invoices which segregate and accumulate the costs of the applicable Project Number(s) by line item and produce Quarterly Reports which clearly identify reimbursable costs and other expenditures related to such Project Number(s).
- c. Upon request, at any time during normal business hours and as often as SPONSOR or CONTRIBUTING PARTNER, The State Controller, County Auditors (in SCAG region), or other government agencies or any duly authorized representative may deem necessary, ASC shall make available for examination all of its records with respect to all matters covered by the Agreement for purposes of audit, examination, or to make copies or transcripts of such records, including, but not limited to, contracts, invoices, payrolls, personnel records, conditions of employment and other records relating to all matters covered by the Agreement. Such records and access to the facilities and premises of ASC shall be made available during the period of performance of the Agreement, and for a minimum of four (4) years following the close of SPONSOR or CONTRIBUTING PARTNER's Fiscal Year.
- d. ASC agrees and shall require that all of its agreements with Subconsultant(s), if applicable, contain provisions requiring adherence to this section in its entirety.

## 6. Federal and State Lobbying Activities Certification

- a. ASC certifies, to the best of its knowledge and belief, that no State or Federal funds have been paid or will be paid, by or on behalf of SPONSOR or CONTRIBUTING PARTNER, to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the

Legislature or Congress in connection with the awarding of any State or Federal contract, the making of any State or Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any State or Federal contract, grant, loan, or cooperative agreement.

- b. If any funds other than State or Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, ASC shall complete and submit Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with those form instructions.
- c. This certification is a material representation of fact, upon which reliance was placed when the Agreement was entered into. Submission of this certification is a prerequisite for making or entering into the Agreement pursuant to 31 U.S.C. 1352.
- d. ASC also agrees that it will require that the language of this certification be included in all agreements with subconsultants which are funded wholly or in part by any funds provided herein and which exceed \$100,000 and that all such Subconsultants, if applicable, shall certify and disclose accordingly.

## 7. Certifications and Assurances

- a. ASC shall adhere to the requirements contained in SPONSOR or CONTRIBUTING PARTNER's annual Certification and Assurances (FHWA and FTA "Metropolitan Transportation Planning Process Certification") submitted as part of SPONSOR or CONTRIBUTING PARTNER's OWP, pursuant to 23 CFR 450.334 and 23 U.S.C. 134. This Certification shall be published annually in SPONSOR or CONTRIBUTING PARTNER's OWP. Such requirements shall apply to ASC to the same extent as SPONSOR or CONTRIBUTING PARTNER and may include, but are not limited to:
  - (1) Title VI of the Civil Rights Act of 1964 and Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;
  - (2) The Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and the United States Department of Transportation (US DOT) implementing regulations (49 CFR 27, 37, and 38).
- b. ASC shall additionally comply with the requirements contained in the annual FTA "Certifications and Assurances for FTA Assistance," including "Certifications and Assurances Required of Each Applicant" and the "Lobbying Certification" in compliance with 49 U.S.C. Chapter 53; published annually in SPONSOR or CONTRIBUTING PARTNER's OWP. Such assurances shall apply to ASC to the same extent as SPONSOR or CONTRIBUTING PARTNER, and include but are not limited to the following areas:
  - (1) Standard Assurances
  - (2) Debarment, Suspension, and Other Responsibility Matters for Primary Covered



Transactions

- (3) Drug Free Work Place Agreement
- (4) Intergovernmental Review Assurance
- (5) Nondiscrimination Assurance
- (6) Nondiscrimination on the Basis of Disability
- (7) Certification and Assurances required by the U.S. Office of Management and Budget

- c. ASC shall require its Subconsultant(s), if applicable, to comply with these Certifications, and agrees to furnish documentation at no cost to SPONSOR or CONTRIBUTING PARTNER to support this requirement that all of its agreements with Subconsultant(s) contain provisions requiring adherence to this section in its entirety.

8. Cost Principles

- a. ASC agrees to comply with the following:

- (1) the Contract Cost Principles and Procedures, 48 Code of Federal Regulations, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., 2 CFR Part 225 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), “Cost Principles for State, Local, and Indian Tribal Governments,” and successors thereto, shall be used to determine the allowability of individual project cost items, and
- (2) the Federal administrative procedures in accordance with “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, et seq., and successors thereto.

- b. Any costs for which ASC receives payment or credit that is determined by a subsequent audit or other review by either SPONSOR or CONTRIBUTING PARTNER, Caltrans or other State or Federal authorities to be unallowable under, but not limited to, 2 CFR Part 225 ( Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, or successor there to); 48 CFR, Chapter 1, Part 31; or 2 CFR Part 200, et seq., and successors thereto, are to be repaid by ASC within thirty (30) days of ASC receiving notice of audit findings. Should ASC fail to reimburse moneys due SPONSOR or CONTRIBUTING PARTNER within thirty (30) days of demand, or within such other period as may be agreed between Parties hereto, SPONSOR or CONTRIBUTING PARTNER is authorized to withhold future payments due ASC.
- c. ASC agrees to furnish documentation to SPONSOR or CONTRIBUTING PARTNER to support this requirement that all of its agreements with Subconsultants, if applicable, contain provisions requiring adherence to this section in its entirety.



# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

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**File #:** 2023-2983

**Agenda Date:** 5/24/2023

**Agenda Item No:** 3.

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**FROM:** Robert Thompson, General Manager

**SUBJECT:**

**LETTER OF OPPOSITION TO AB 1216**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION:

Approve a Letter of Opposition to Assembly Bill 1216 (Muratsuchi).

### **BACKGROUND**

Assembly Bill 1216 (Muratsuchi) (AB 1216) requires the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district.

The SCAQMD, one of the most stringent air districts in the Country, diligently regulates emissions from POTW's like the Orange County Sanitation District (OC San) through the utilization of a rigorous and progressive enforcement program designed to ensure compliance with existing regulations and to control air pollution at the source. We believe AB 1216 adds a duplicative requirement that would be unnecessary and a misuse of taxpayer resources.

### **RELEVANT STANDARDS**

- Maintain influential legislative advocacy and a public outreach program
- Build brand, trust, and support with policy makers and community leaders
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

### **PROBLEM**

Without proper opposition of this bill, it could pass, which could negatively affect the OC San and our fellow wastewater agencies, along with the negative impact it could have on our infrastructure and possibly affecting our rate payers.

### **PROPOSED SOLUTION**

Staff drafted a letter of opposition for AB 1216.

## **TIMING CONCERNS**

It is important that OC San takes a position on this bill as soon as possible to ensure that it is taken into consideration.

## **RAMIFICATIONS OF NOT TAKING ACTION**

If we do not take a position on this bill, it could pass, possibly affecting OC San and the wastewater industry.

## **ADDITIONAL INFORMATION**

N/A

## **FINANCIAL CONSIDERATIONS**

N/A

## **ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Letter of Opposition to AB 1216 (Muratsuchi)
- AB 1216 Bill Text



10844 Ellis Avenue  
 Fountain Valley, CA 92708  
 714.962.2411  
 www.ocsan.gov

May 24, 2023

The Honorable Al Muratsuchi  
 California State Assembly  
 1021 O Street, Suite 5610  
 Sacramento, CA 95814

**RE: Assembly Bill 1216 – Orange County Sanitation District OPPOSE**

Dear Assembly Member Muratsuchi:

On behalf of Orange County Sanitation District (OC San) I write in respectful opposition of your Assembly Bill 1216, which requires the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district.

OC San provides wastewater collection, treatment, and recycling for approximately 2.6 million people in central and northwest Orange County, CA. OC San’s primary mission is to protect public health and the environment through its services. OC San takes pride in the air quality around our two major wastewater treatment plants and routinely goes above and beyond local and regional mandates and industry standards.

The South Coast Air Quality Management District (SCAQMD), one of the most stringent air districts in the Country, diligently regulates emissions from publicly owned treatment works (POTW) like OC San through the utilization of a rigorous and progressive enforcement program designed to ensure compliance with existing regulations and to control air pollution at the source. We believe AB 1216 adds a duplicative requirement that would be unnecessary and a misuse of taxpayer resources.

OC San treats the protection of the environment and public health, including air quality around our facilities, as a sacred responsibility. OC San routinely complies with current local air quality regulations and feels that this bill would add an unnecessary and unclear myriad of overlapping responsibilities without any additional direct benefit to the public.

For the above reasons, OC San respectfully opposes you AB 1216. If you have any questions, please do not hesitate to contact Jennifer Cabral, Administration Manager at (714) 593-7581 or via mail at JCabral@ocsan.gov.

Sincerely,

Chad P. Wanke  
 Board Chairman

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- Stanton
- Tustin
- Villa Park
- County of Orange
- Costa Mesa Sanitary District
- Midway City Sanitary District
- Irvine Ranch Water District
- Yorba Linda Water District

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1216**

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**Introduced by Assembly Member Muratsuchi**

February 16, 2023

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An act to add Section 42705.7 to the Health and Safety Code, relating to ~~water~~ air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1216, as amended, Muratsuchi. Wastewater treatment plants: monitoring of ~~emissions~~ air pollutants.

*Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law authorizes the State Air Resources Board or the air district to adopt rules and regulations to require the owner or the operator of an air pollution emission source to take any action that the state board or the air district determines to be reasonable for the determination of the amount of air pollution emissions from that source. Existing law requires the air pollution control officer to inspect, as the officer determines necessary, the monitoring devices installed in every stationary source of air contaminants located within a jurisdiction that is required to have those devices to ensure that the devices are functioning properly. Existing law authorizes the district to require reasonable fees to be paid by the operator of that source to cover the expense of the inspection and other costs related thereto. A person who violates these requirements, or any rule, regulation, permit, or order of the state board or of a district adopted pursuant to these requirements is guilty of a*

*misdemeanor and subject to a specified fine or imprisonment, or both a fine and imprisonment, as provided.*

*This bill would require, on or before January 1, 2025, the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area and meets other, specified criteria to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district. The bill would require the fence-line monitoring system to include equipment capable of measuring pollutants of concern, including hydrogen sulfide, nitrogen oxides, and volatile organic compounds emitted to the atmosphere from wastewater treatment or reclamation processes that the appropriate district deems appropriate for monitoring. The bill would also require the owner or operator of a wastewater treatment facility to collect real-time data from the wastewater treatment-related fence-line monitoring system, to maintain records of that data, and to transmit the data to the appropriate air quality management district in accordance with the district's guidance. In addition, the bill would require, to the extent feasible, the data generated by these systems to be provided to the public as quickly as possible in a publicly accessible format.*

*By adding to the duties of air districts and by expanding the scope of crimes, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for specified reasons.*

~~The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. Existing law requires the State Water Resources Control Board to classify types of wastewater treatment plants, as defined, for the purpose of determining the levels of competence necessary to operate them.~~

~~This bill would state the intent of the Legislature to enact legislation that would relate to improving the monitoring of emissions from wastewater treatment plants.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 42705.7 is added to the Health and Safety*  
2     *Code, to read:*

3     *42705.7. (a) For purposes of this section, the following*  
4     *definitions apply:*

5     *(1) “Wastewater treatment facility” means a wastewater*  
6     *treatment or reclamation facility that comes within both of the*  
7     *following descriptions:*

8     *(A) Is located within 1,500 feet of a residential neighborhood.*

9     *(B) Has a 450-million-gallon-per-day design capacity and*  
10     *processes an average of 25 million gallons or more of inflow per*  
11     *day.*

12     *(2) “Wastewater treatment-related fence-line monitoring*  
13     *system” means equipment that measures and records air pollutant*  
14     *concentrations at or adjacent to a wastewater treatment facility*  
15     *and that may be useful for detecting or estimating emissions of*  
16     *pollutants from the treatment facility, including the quantity of*  
17     *fugitive emissions and other air emissions, and meets the minimum*  
18     *requirements of the appropriate air quality management district.*

19     *(b) On or before January 1, 2025, the owner or operator of a*  
20     *wastewater treatment facility shall develop, install, operate, and*  
21     *maintain a fence-line monitoring system in accordance with*  
22     *guidance developed by the appropriate air quality management*  
23     *district. The fence-line monitoring system shall include equipment*  
24     *capable of measuring pollutants of concern, including hydrogen*  
25     *sulfide, nitrogen oxides, and volatile organic compounds emitted*  
26     *to the atmosphere from wastewater treatment or reclamation*  
27     *processes that the appropriate district deems appropriate for*  
28     *monitoring.*

29     *(c) The owner or operator of a wastewater treatment facility*  
30     *shall collect real-time data from the wastewater treatment-related*  
31     *fence-line monitoring system, shall maintain records of that data,*  
32     *and shall transmit the data to the appropriate air quality*  
33     *management district in accordance with the district’s guidance.*  
34     *To the extent feasible, the data generated by these systems shall*  
35     *be provided to the public as quickly as possible in a publicly*  
36     *accessible format.*

1 (d) Guidance developed by a district pursuant to this section  
2 shall take into account technological capabilities and incorporate  
3 input from affected parties.

4 (e) The owner or operator of a wastewater treatment facility  
5 shall be responsible for the costs associated with implementation,  
6 maintenance, and operation of a fence-line monitoring system  
7 pursuant to this section.

8 SEC. 2. No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution because  
10 a local agency or school district has the authority to levy service  
11 charges, fees, or assessments sufficient to pay for the program or  
12 level of service mandated by this act or because costs that may be  
13 incurred by a local agency or school district will be incurred  
14 because this act creates a new crime or infraction, eliminates a  
15 crime or infraction, or changes the penalty for a crime or  
16 infraction, within the meaning of Section 17556 of the Government  
17 Code, or changes the definition of a crime within the meaning of  
18 Section 6 of Article XIII B of the California Constitution.

19 ~~SECTION 1. It is the intent of the Legislature to enact~~  
20 ~~legislation that would relate to improving the monitoring of~~  
21 ~~emissions from wastewater treatment plants.~~





# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

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**File #:** 2023-2984

**Agenda Date:** 5/24/2023

**Agenda Item No:** 4.

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**FROM:** Robert Thompson, General Manager

**SUBJECT:**

**LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF APRIL 2023**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

Receive and file the Legislative Affairs Update for the month of April 2023.

**BACKGROUND**

The Orange County Sanitation District's (OC San) legislative affairs program includes advocating for OC San's legislative interests; sponsoring legislation (where appropriate); and seeking Local, State, and Federal funding for projects and programs.

**RELEVANT STANDARDS**

- Maintain influential legislative advocacy and a public outreach program
- Build brand, trust, and support with policy makers and community leaders
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

**PROBLEM**

Without a strong advocacy program, elected officials may not be aware of OC San's mission, programs, and projects and how they could be impacted by proposed legislation.

**PROPOSED SOLUTION**

Continue to work with Local, State, and Federal officials to advocate for OC San's legislative interests. Help to create/monitor legislation and grants that would benefit OC San, the wastewater industry, and the community. To assist in relationship building efforts, OC San will continue to reach out to elected officials providing facility tours, one-on-one meetings, and trips to Washington D.C. and Sacramento.

## **RAMIFICATIONS OF NOT TAKING ACTION**

If OC San does not work with Local, State, and Federal elected officials, legislation could be passed that negatively affects OC San and the wastewater industry. Additionally, a lack of engagement may result in missed funding opportunities.

## **ADDITIONAL INFORMATION**

### **Federal Update:**

On April 24, Congressman Correa visited Plant No. 1 to present OC San with a check for \$3.45 million for the Supercritical Water Oxidation (SCWO) Project. During this event, a roundtable was held where OC San Board of Directors, staff, and the Congressman were able to discuss the project and how the funding will be used. OC Staff provided a tour of the SCWO project site and discussed the benefits of the pilot project and where OC San sees the project going forward.

### **State Update:**

The month of May will serve as a time that the Governor presents his “May Revision” of the January budget proposal, followed by the constitutional deadline of July 1 where the Governor must sign a budget bill into law. Since the bill introduction on February 17, the Legislature produced 1,751 Assembly Bills and 881 Senate Bills, for a total of 2,632 bills. Of those bills introduced, there were 495 spot bills and 551 intent bills between the two houses, for a total of 1,046 placeholder measures. That means 40 percent of the introduced bills were placeholder measures in need of substantive language amendments.

## **ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Federal Update
- Federal Legislative Matrix
- State Update
- State Legislative Matrix



TO: Rebecca Long

FROM: Eric Sapirstein

DATE: May 4, 2023

SUBJECT: Washington Update

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Congress returned from an extended recess to continue its efforts to develop a fiscal year 2024 budget and most importantly an increase in the debt ceiling. In addition to the budget and spending debate, efforts to overturn the Waters of the United States (WOTUS) rule that became effective in March were dispensed with as the House and Senate could not overturn the president's veto of the congressional resolution to nullify the rule. The following summarizes the status of issues of interest to OC San.

- ***PFAS Rulemaking and Legislation Continue to Take Shape***

The U.S. Environmental Protection Agency's (US EPA, agency) Office of Water continues to move forward with its aggressive agenda to finalize designation of Per- and polyfluoroalkyl substances (PFAS) chemicals as hazardous substances under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Following its proposed rule to designate PFOS and PFOA, the agency on April 12 issued an Advanced Notice of Proposed Rulemaking to designate an additional seven members of the PFAS family, including GEN X. The agency provided for a swift thirty-day public comment period. After the closing of the period (May 13), the agency is expected to review comments and quickly issue a final rule. This will effectively expand the universe of PFAS chemicals subject to CERCLA cleanups and liability impacts.

The agency action only heightens the need for legislative action to provide an exemption from CERCLA liability. The anticipated draft Senate legislation has not been released as the Senate Committee on Environment and Public Works staff have been unable to reach a bipartisan agreement on the parameters of any bill. While we anticipate a draft to be released, it is unclear when this will happen. The committee staff understand the water sector's (and others) needs for a passive receiver exemption from CERCLA liability.

Adding to the debate over the need for an exemption is USEPA's assurances that it will rely upon its discretionary authority. Validating OC San's concerns about liability exposure under CERCLA, the U.S. Chamber of Commerce recently challenged the agency's legal authority not to enforce against specific sectors, like wastewater agencies. The Chamber argued in a letter to USEPA and the Department of Justice that any such policy would be subject to legal challenges.

### ***PFAS CERCLA Liability Exemption Legislation***

Congressional efforts to address wastewater agencies' potential PFAS liability under CERCLA because of USEPA's decision to list PFAS as hazardous under CERCLA continue to take shape. Senate Committee on Environment and Public Works member Cynthia Lummis (R-WY) is expected to introduce legislation providing for an explicit exemption from CERCLA liability for the water sector. The bill as drafted adopts the language that OC San had advocated for over the past year. Notably, the bill will address biosolids to ensure that the continued beneficial uses of biosolids remain available. As of this writing, any action on the legislation is unlikely until later this summer when the Senate committee might consider a broader bill in support of funding for PFAS destruction technologies.

### ***House Committee on Natural Resources Conducts California Water Hearing***

The House Committee on Natural Resources (committee) held a field hearing into Representative David Valadao's (R-CA) WATER for CA Act (H.R. 215) where Central Valley water interests testified on the importance of legislating long term solutions to assure reliable water supplies. Noting the fact that the past winter's storms provided a respite from the urgency of the drought, the witnesses emphasize that water supplies will continue to be threatened. The hearing illustrated that a consensus exists to move a bill forward. However, the parameters of any bill remain to be finalized due to voiced concerns over impacts on water rights and water supplies for environmental refuge needs.

As of this writing, The House committee consideration of a bill could be as soon as mid to late of May.

# Federal Legislative Report - May 2023

Last Updated: May 02, 2023

## Bills by Issue

Priority: High (3)

Bill Number	Last Action	Status	Position	Priority
HR 1181	Referred To The Subcommittee On Water Resources And Environment 2023 02 27	In House	Monitor	High
<p><b>Title</b> To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.</p> <p><b>Description</b> This bill extends the maximum term for certain permits issued under the National Pollutant Discharge Elimination System (NPDES) program. Specifically, the bill extends the maximum term for NPDES permits issued to states or municipalities from 5 to 10 years. Under the program, the Environmental Protection Agency issues permits to discharge pollutants from point sources, such as pipes, into waters of the United States.</p> <p><b>Primary Sponsors</b> John Garamendi</p>		<p><b>Bill Summary:</b> Last edited by Eric Sapirstein at Mar 22, 2023, 4:55 PM H.R. 1181 would provide state permitting authorities to issue ten year NPDES permits to publicly owned wastewater treatment agencies. The authority would not extend to privately owned treatment facilities such as industrial dischargers.</p> <p><b>Introduction Date:</b> 2023-02-24</p>		
HR 2964	Referred To The House Committee On Energy And Commerce 2023 04 27	In House	None	High
<p><b>Title</b> To require the Federal Trade Commission to issue regulations requiring certain products to have "Do Not Flush" labeling, and for other purposes.</p> <p><b>Primary Sponsors</b> Lisa McClain</p>		<p><b>Bill Summary:</b> Last edited by Sarah Sapirstein at May 2, 2023, 5:00 PM Directs the Federal Trade Commission, in consultation with the Environmental Protection Agency, Commissioner of Food and Drugs, and the Consumer Product Safety Commission (as appropriate depending on the type of covered product involved) to issue regulations on "Do Not Flush" labeling requirements for nonflushable wipe, including baby wipes, household wipes, disinfecting wipes and personal care wipes. Requirements mirrors CA's labeling law. Companion Senate bill (S. 1350).</p> <p><b>Introduction Date:</b> 2023-04-27</p>		

Bill Number	Last Action	Status	Position	Priority
S 1350	Read Twice And Referred To The Committee On Commerce Science And Transportation 2023 04 27	In Senate	None	High
<p><b>Title</b> A bill to require the Federal Trade Commission to issue regulations requiring certain products to have "Do Not Flush" labeling, and for other purposes.</p> <p><b>Primary Sponsors</b> Jeff Merkley</p>		<p><b>Bill Summary:</b> Last edited by Sarah Sapirstein at May 2, 2023, 5:00 PM Directs the Federal Trade Commission, in consultation with the Environmental Protection Agency, Commissioner of Food and Drugs, and the Consumer Product Safety Commission (as appropriate depending on the type of covered product involved) to issue regulations on "Do Not Flush" labeling requirements for nonflushable wipe, including baby wipes, household wipes, disinfecting wipes and personal care wipes. Requirements mirrors CA's labeling law. Companion house bill (H.R. 2964).</p> <p><b>Introduction Date:</b> 2023-04-27</p>		

### Priority: Medium (1)

Bill Number	Last Action	Status	Position	Priority
HR 250	Referred To The Subcommittee On Water Resources And Environment 2023 02 01	In House	Monitor	Medium
<p><b>Title</b> Clean Water SRF Parity Act</p> <p><b>Description</b> Clean Water SRF Parity Act This bill expands the state revolving fund established under the Clean Water Act, including by allowing low-interest loans to be given to privately owned treatment works to address wastewater. Currently, loans are given to wastewater systems that are publicly owned.</p> <p><b>Primary Sponsors</b> John Garamendi</p>		<p><b>Bill Summary:</b> Last edited by David French at Jan 23, 2023, 3:54 PM Amends eligibility provisions for the Federal Water Pollution Control Act's Clean Water State Revolving Fund so that all wastewater customers have the ability to benefit from the program's low-interest loans. Supported by NAWCA Also introduce in 117th Congress - No Action</p> <p><b>Introduction Date:</b> 2023-01-10</p>		

### Priority: None (4)

Bill Number	Last Action	Status	Position	Priority
HR 1729	Referred To The Subcommittee On Commodity Markets Digital Assets And Rural Development 2023 04 25	In House	None	None
<p><b>Title</b> Water Affordability, Transparency, Equity, and Reliability Act of 2023</p> <p><b>Primary Sponsors</b> Bonnie Watson Coleman</p>		<p><b>Introduction Date:</b> 2023-03-22</p>		

Bill Number	Last Action	Status	Position	Priority
HR 1837	Referred To The House Committee On Ways And Means 2023 03 28	In House	None	None

**Title**  
Investing in Our Communities Act

**Description**  
Investing in Our Communities Act This bill reinstates the exclusion from gross income for interest on certain bonds issued to advance the refunding of a prior bond issue. The exclusion was repealed for bonds issued after 2017.

**Primary Sponsors**  
David Kustoff

**Bill Summary:** Last edited by Sarah Sapirstein at Apr 5, 2023, 4:08 PM  
Legislation restores tax-exempt advance refunding for municipal bonds to allow states and local governments to more efficiently invest in projects.

**Introduction Date:** 2023-03-28

Bill Number	Last Action	Status	Position	Priority
S 115	Read Twice And Referred To The Committee On Environment And Public Works 2023 01 26	In Senate	None	None

**Title**  
Clean Water Allotment Modernization Act of 2023

**Primary Sponsors**  
Marco Rubio

**Bill Summary:** Last edited by Eric Sapirstein at Apr 29, 2023, 9:02 PM  
Provides for a set aside from Clean Water SRF appropriations to conduct Buy America oversight compliance, establishes that each state's allotment must be at the same level as FY 23 during FY 24-28 and additional allotments based on percent of state population to the nation. FY 29 and beyond allotments to be determined by new formula based upon Clean Water Needs Survey.

**Introduction Date:** 2023-01-26

Bill Number	Last Action	Status	Position	Priority
S 938	Read Twice And Referred To The Committee On Finance 2023 03 22	In Senate	None	None

**Title**  
Water Affordability, Transparency, Equity, and Reliability Act of 2023

**Primary Sponsors**  
Bernie Sanders

**Bill Summary:** Last edited by Sarah Sapirstein at Apr 5, 2023, 4:45 PM  
S. 938 would establish a \$35 billion trust fund to support the construction of water and wastewater treatment systems. Funding would be derived from an increase in the corporate tax rate. The bill also imposes requirements for Department of Justice and USEPA to carryout activities to determine whether water and wastewater operators discriminate in the provision of services. USEPA must also investigate the impact of rates on service cut-offs. Additional provisions would address use of assistance to promote regionalization of systems and limitations on the use of federal assistance to support projects that address growth. The bill enjoys 500 NGO organizational support. It has five cosponsors. House companion bill, H.R. 1729 is cosponsored by Lee, DeSaulnier and Huffman along with 69 other House Democrats.

**Introduction Date:** 2023-03-22

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**FiscalNote**

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**M E M O R A N D U M**

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**To:** Orange County Sanitation District  
**From:** Townsend Public Affairs  
**Date:** May 3, 2023  
**Subject:** Monthly Legislative Report

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**State Legislative Updates**

The month of April saw the State Legislature's quick pace of considering and amending legislation to ensure bills progressed through their first house. April featured the legislative deadline for policy committees to hear and report to fiscal committees fiscal bills introduced in their house. Measures deemed to have a fiscal impact that did not meet this deadline have failed to progress and will become 2-year bills. Below is an overview of pertinent state actions from the month of April.

**State Legislature**

With the deadline for measures with a fiscal impact to receive policy committee consideration by April 28, the month of April featured policy committees with packed agendas. The deadline marks an important milestone for bills, given that policy committees are responsible for the consideration of a bill's policy implications. During the policy committee process, bills are amended and refined pursuant to committee member and stakeholder input. If they are deemed to have a fiscal impact, upon passage in their respective policy committees, they move over to the applicable Appropriations Committee, which gauges impacts on the State's financial ability to support proposed programs. The shift from policy considerations to fiscal considerations aligns with the State's budget process, which will kick into high gear in May, with the release of the May Revision. The revision will offer an assessment of the State's overall fiscal condition and ability to accommodate additional spending programs contained within various bills.

Notable outcomes from April's policy committee deadline for fiscal bills include the following, organized by issue area:

***Water and Sanitation***

- [AB 234](#) (Bauer-Kahan) would prohibit a synthetic polymer microparticle from being placed on the market in this state as a substance on its own or, where the synthetic polymer microparticles are present to confer a sought-after characteristic, in mixtures in a concentration equal to or greater than 0.01% by weight.  
*This bill was pulled from the Committee by the author and is now a two-year bill. The bill will be amended and brought back next year.*
  
- [AB 246](#) (Papan) would prohibit any person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain regulated PFAS.  
*This bill passed the Assembly Environmental Safety and Toxic Materials Committee*



- [AB 727](#) (Weber) would prohibit a person from manufacturing, selling, delivering, distributing, holding, or offering for sale in the state a cleaning product that contains regulated PFAS.  
*This bill passed the Assembly Environmental Safety and Toxic Materials Committee.*
- [SB 23](#) (Caballero) requires various State Agencies to take final action on water quality certifications issued under the federal Clean Water Act and issue permits in specific timeframes for water supply and flood risk reduction projects.  
*This bill passed the Senate Environmental Quality Committee.*

### **Brown Act Reform/Open Meetings**

- [AB 557](#) (Hart) eliminates the sunset date on provisions of law allowing local agencies to use teleconferencing without complying with specified Ralph. M Brown Act (Brown Act) requirements during a proclaimed state of emergency.  
*This measure passed the Assembly Local Government Committee unanimously.*
- [AB 817](#) (Pacheco) allows a subsidiary body of a local government to use teleconferencing, with certain requirements.  
*This bill's hearing was postponed at the request of the author, likely in order to take substantive amendments before its hearing.*
- [AB 1379](#) (Papan) revises teleconferencing provisions included in AB 2449 (Rubio, statutes of 2022) by removing restrictions on the frequency of teleconferencing and its geographical barriers for participating in meetings remotely.  
*This measure was held by the Author due to disagreements on the scope of the policy with the Assembly Local Government Committee Chair. It could be reconsidered next year.*

### **Governance and Transparency**

- [AB 1637](#) (Irwin) requires local governments to switch to a .gov domain. The measure took amendments to push out the timeline for compliance from 2025 to 2026.  
*This measure passed the Consumer Protection and Privacy Committee and will move to the Appropriations Committee for Consideration.*

### **Air Resources Board Approves Advanced Clean Fleets Regulation**

On April 28, the California Air Resources Board (ARB) unanimously voted to approve the controversial Advanced Clean Fleets regulation banning the sale of new diesel big rigs, delivery and garbage trucks by 2036 and requiring large fleets to reach 100 percent zero-emissions by 2042 or sooner, depending on the vehicle type. This regulation also applies to all State and local government fleets, including city, county, special district, and State agency fleets. According to ARB, the goal of this effort is to accelerate the number of medium and heavy-duty zero-emission vehicle purchases to achieve a full transition to zero-emission vehicles in California as soon as possible.

Some freight transportation companies and local government officials call the deadlines in the rule unachievable. They say the new technology still has major drawbacks, including the high cost of electric trucks and their low battery range. The State also has not yet developed a charging network to support electric trucks, and existing chargers can take hours in some cases.

California has more than 80,000 electric vehicle chargers deployed across the State. An additional 17,000 are set to be installed, however, the State will need approximately 1.2 million chargers to support the 7.5 million electric vehicles expected on the roads by 2030. In addition, numerous stakeholders have significant doubt about the ability to generate enough electricity to meet demand. The State must triple its power-generation capacity if it wants to electrify vehicles and other sectors of the economy. However, State officials said they were confident that the 12.5 million passenger cars and trucks hitting California roads by 2035 will not strain the grid.

### Senate Democrats Release Budget Priorities Document in Preparation for May Budget Season, Highlighting Key Differences Between the Governor's and Legislature's Plans

On April 26, the Senate Democratic Caucus released its revised [budget priorities](#) document in preparation for the Governor's release of the May Revision of the Budget. Beginning in January of each year, the Governor releases a preliminary budget proposal, which kicks off the call-and-response process between the Administration and the Legislature on how best to spend taxpayer dollars. The budget process is in a unique position this year, with the extension of the tax filing deadline for individuals and businesses as a result of the severe winter storms. This extension will impact the delivery of returns data the Department of Finance will need to compile an accurate and comprehensive spending plan.

One of the fundamental differences between the Governor's and the Legislature's spending plans is whether or not to draw on reserve funds to mitigate issues associated with the anticipated deficit, which was projected to be close to \$22 billion in January. The Governor proposed spending cuts and deferrals to programs to protect the over \$37 billion in reserve funds, citing concerns with a looming recession and the need for cash on hand should the state experience an economic downturn. The Legislature, on the other hand, has proposed using reserve funds to keep key spending programs funded at current levels, which points to the name of their counter-budget proposal – "Protect our Progress."

However, other budget experts caution against the use of reserve funds. For instance, in Mid-April, the State's Legislative Analyst Gabe Petek released an [article](#) overviewing the State's anticipated fiscal condition, its causes, and the implications of drawing from reserve funds to offset revenue losses. Petek iterated that the revenue construction is not an outright downturn, but rather the other side of its recent revenue boom. The extraordinary General Fund revenue growth was allocated toward massive one-time and multi-year spending programs that are too high relative to revenue performance typical of historic norms.

Petek warned that recent turmoil in the banking sector, tech industry losses, and inflation and unemployment trends point to a looming recession that could send revenue estimates below baseline levels. To preserve mid-range financial security within the State, he favors the preservation of reserve funds and the cut and deferral of existing spending programs. While not the final decision maker on the matter, the Legislative Analyst's Office offers critical insight into the State's fiscal condition to be incorporated into spending practices. This insight could influence the State's final spending strategy.

Key spending priorities within the Senate Democrat's budget plan include the following:

- Rejects proposed cuts and delays to key infrastructure investments, such as broadband, transit, student housing, climate package investments, libraries, and more.
- Accelerates previously budgeted Transit Infrastructure funds and provides local flexibility to enable the funds to be used for operations as a bridge until a permanent operations fix can be established.
- Creates a \$10 billion Housing and Infrastructure Fund to fund one-time projects and programs that the Governor proposes to cut or delay. This includes Funding affordable housing, Transit infrastructure, Broadband, Clean energy, Student housing, School facilities, and more.
- Turns current one-time funding for the HHAP program into \$1 billion of ongoing funding to provide local governments.
- Provides \$4.3 billion in tax relief by slashing tax rates by 25 percent for small businesses, improving the Renters Tax Credit and CalEITC, and implementing the Workers Tax Fairness Tax Credit.

The Governor will release his May revision to the budget next month, which will guide ongoing negotiations between his Administration and the Legislature. However, due to the delay in tax return data, a comprehensive budget plan may not be fully realized until later this summer.

**OC San  
State  
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
<b>Proposed Legislation 2023</b>						
<b>High Priority</b>						
<b>AB 234</b>	<b>Bauer-Kahan [D]</b>	The Microbeads Nuisance Prevention Law prohibits a person from selling or offering for promotional purposes in the state any personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste. This bill would express the intent of the Legislature to enact subsequent legislation that would prohibit the sale in this state of rinse-off cosmetics, detergents, waxes, and polishes that contain intentionally added synthetic polymer microparticles, including products identified in the synthetic polymer microparticle Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) restrictions adopted by the European Union (EU).	Two Year Bill	Support	<b>State Priorities:</b> Support legislation or regulations that restrict the use of microplastics and chemicals of emerging concern in any product that is disposed of through the sewer system.	ACC-OC - NYC LOCC - NYC CASA - Support in Concept CSDA - NYC ACWA - NYC
<b>AB 246</b>	<b>Papan [D]</b>	Current law, beginning January 1, 2025, prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. This bill would state the intent of the Legislature to enact legislation to eliminate PFAS from menstrual products.	Currently in the Assembly Appropriations Committee	Support	<b>State Priorities:</b> Monitor state legislation as well as State Water Resources Control Board (SWRCB) regulatory activity related to PFAS.	ACC-OC - NYC LOCC - NYC CASA - Support CSDA - NYC ACWA - NYC
<b>AB 281</b>	<b>Grayson [D]</b>	Current law, which is part of the Planning and Zoning Law, requires a local agency to compile a list of information needed to approve or deny a post entitlement phase permit, to post an example of a complete, approved application and an example of a complete set of post entitlement phase permits for at least 5 types of housing development projects in the jurisdiction, as specified, and to make those items available to all applicants for these permits no later than January 1, 2024. Current law establishes time limits for completing reviews regarding whether an application for a post entitlement phase permit is complete and compliant and whether to approve or deny an application, as specified, and makes any failure to meet these time limits a violation of specified law. Current law defines various terms for these purposes, including "local agency" to mean a city, county, or city and county, and "post entitlement phase permit," among other things, to exclude a permit required and issued by a special district. This bill would include a special district in the definition of "local agency" and would remove special districts from the exclusion in the definition of "post entitlement phase permit."	Currently on the Assembly Floor	Watch	<b>Legislative and Regulatory Policies: Special Districts -</b> Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - NYC ACWA - NYC
<b>AB 334</b>	<b>Rubio [D]</b>	Seeks to clarify the State's conflict of interest law, California Government Code 1090. This bill would establish that an independent contractor, who meets specified requirements, is not an officer for purposes of being subject to the prohibition on being financially interested in a contract.	Currently in the Assembly Appropriations Committee	Support	<b>Legislative and Regulatory Policies: Special Districts -</b> Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - Support CSDA - Support ACWA - NYC

**OC San  
State  
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
AB 340	Fong [R]	The California Environmental Quality Act (CEQA) prohibits an action or proceeding from being brought in a court to challenge the approval of a project by a public agency unless the alleged grounds for noncompliance are presented to the public agency orally or in writing by a person during the public comment period provided by CEQA or before the close of the public hearing on the project before the issuance of the notice of determination. This bill would require the alleged grounds for noncompliance with CEQA presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. The bill would prohibit the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an action or proceeding may be brought.	Two Year Bill	Watch	<b>Legislative and Regulatory Policies: Environment/Climate Resiliency</b> - Support efforts to reform the California Environmental Quality Act (CEQA) to streamline current procedures and regulations for projects to refurbish or replace existing infrastructure facilities.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Watch ACWA - NYC
AB 516	Ramos [D]	The Mitigation Fee Act, requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. The Mitigation Fee Act also imposes additional requirements for fees imposed to provide for an improvement to be constructed to serve a development project, or which is a fee for public improvements, as specified, including that the fees be deposited in a separate capital facilities account or fund. This bill would require a local agency that requires a qualified applicant, as described, to deposit fees for improvements, as described, into an escrow account as a condition for receiving a conditional use permit or equivalent development permit to expend the fees within a reasonable time of the deposit. The bill would require any fees not expended within this period to be returned to the qualified applicant that originally deposited the fees.	Currently in the Assembly Appropriations Committee	Watch	<b>Legislative and Regulatory Policies: Special Districts</b> - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Watch ACWA - NYC
AB 557	Hart [D]	Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified. Current law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely.	Currently on the Assembly Floor	Watch	<b>Legislative and Regulatory Policies: Special Districts</b> - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - Sponsor CASA - Support CSDA - Sponsor ACWA - NYC
AB 727	Weber	Seeks to ensure that additional perfluoroalkyl and polyfluoroalkyl substances (PFAS) are kept out of our environment. AB 727 focuses on prohibiting manufacturing, selling, delivering, distributing, holding, or offering for sale in the state, a cleaning product that contains regulated PFAS.	Currently in the Assembly Appropriations Committee	Support	<b>State Priorities:</b> Monitor state legislation as well as State Water Resources Control Board (SWRCB) regulatory activity related to PFAS.	ACC-OC - NYC LOCC - NYC CASA - Sponsor CSDA - Watch ACWA - NYC

**OC San  
State  
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
<b>AB 759</b>	<b>Grayson [D]</b>	Current law authorizes a sanitary district to acquire, plan, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate garbage dumpsites and garbage collection and disposal systems, sewers, drains, septic tanks, and sewerage collection, outfall, treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems, and water recycling and distribution systems, as the deemed necessary and proper by the governing board of the district. Current law generally authorizes the district to expend money only upon written order of the board. This bill would instead authorize funds to be expended in a manner prescribed by the board.	Currently in the Senate Rules Committee	Watch	<b>Legislative and Regulatory Policies: Special Districts -</b> Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - Sponsor CSDA - Support ACWA - NYC
<b>AB 1152</b>	<b>Patterson [R]</b>	Would exempt from the California Environmental Quality Act (CEQA) a project to construct or expand a recycled water pipeline for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor if the project meets specified criteria. Because a lead agency would be required to determine if a project qualifies for this exemption, this bill would impose a state-mandated local program. The bill would also exempt from CEQA the development and approval of building standards by state agencies for recycled water systems.	Two Year Bill	Watch	<b>Legislative and Regulatory Policies: Environment/Climate Resiliency -</b> Support efforts to reform the California Environmental Quality Act (CEQA) to streamline current procedures and regulations for projects to refurbish or replace existing infrastructure facilities.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Watch ACWA - NYC
<b>AB 1196</b>	<b>Villa Padua [D]</b>	The Water Quality, Supply, and Infrastructure Improvement Act of 2014, a bond act approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds to finance a water quality, supply, and infrastructure improvement program, as specified. Under the bond act, \$520,000,000 is available, upon appropriation by the Legislature, for expenditures, grants, and loans for projects that improve water quality or help provide clean, safe, and reliable drinking water to all Californians. Current law requires projects eligible for this funding to help improve water quality for a beneficial use. This bill would make a nonsubstantive change to the latter provision.	Introduced	Watch	<b>Guiding Priorities:</b> Obtain financial assistance for OC San projects through grants, loans, and legislative directed funding.	ACC-OC - NYC LOCC - NYC CASA - Support if Amended CSDA - Watch ACWA - NYC



**OC San  
State  
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
<b>AB 1216</b>	<b>Muratsuchi [D]</b>	Would require, on or before January 1, 2025, the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area and has an original design capacity of 425,000,000 gallons or more per day to develop, install, operate, and maintain a wastewater treatment-related fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district. The bill would require the wastewater treatment-related fence-line monitoring system to include equipment capable of measuring pollutants of concern, including hydrogen sulfide, nitrogen oxides, and volatile organic compounds emitted to the atmosphere from wastewater treatment or reclamation processes that the appropriate district deems appropriate for monitoring. The bill would also require the owner or operator of a wastewater treatment facility to collect real-time data from the wastewater treatment-related fence-line monitoring system, to maintain records of that data, and to transmit the data to the appropriate air quality management district in accordance with the district's guidance. In addition, the bill would require, to the extent feasible, the data generated by these systems to be provided to the public as quickly as possible in a publicly accessible format.	Currently in the Assembly Appropriations Committee	Watch	<b>Legislative and Regulatory Policies: Air Quality -</b> Oppose redundant and unreasonable requirements, such as potentially double reporting requirements, with respect to emissions reporting associated with AB 617.	ACC-OC - NYC LOCC - NYC CASA - Oppose CSDA - Watch ACWA - NYC
<b>AB 1423</b>	<b>Schiavo [D]</b>	Would, commencing January 1, 2024, require a manufacturer or installer of a covered surface, defined as artificial turf or a synthetic surface that resembles grass, proposing to design, sell, or install a field with a covered surface to any party to notify the party at the earliest possible date that the covered surface contains regulated PFAS, as defined. The bill would also prohibit, commencing January 1, 2024, a public entity, including a charter city, charter county, city, or county, any public or private school serving pupils in kindergarten or any of grades 1 to 12, inclusive, a public institution of higher education, other than the University of California, or a private institution of higher education from purchasing or installing a covered surface containing regulated PFAS, as provided.	Currently in the Assembly Appropriations Committee	Watch	<b>State Priorities:</b> Monitor state legislation as well as State Water Resources Control Board (SWRCB) regulatory activity related to PFAS.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - NYC ACWA - NYC
<b>AB 1660</b>	<b>Ta [R]</b>	Existing law requires the State Air Resources Board to adopt regulations to achieve the maximum feasible reduction in volatile organic compounds emitted by consumer products, as defined, if the state board determines adequate data exist to establish the regulations are necessary to attain state and federal ambient air quality standards and the regulations are commercially and technologically feasible and necessary. This bill would authorize the state board to exempt an intentionally added PFAS from that prohibition if the state board determines that the intentionally added PFAS has characteristics that are beneficial for the environmental goals of the State of California and is not identified as persistent, bioaccumulative, and toxic to the environment. This bill contains other existing laws.	Two Year Bill	Watch	<b>State Priorities:</b> Monitor state legislation as well as State Water Resources Control Board (SWRCB) regulatory activity related to PFAS.	ACC-OC - NYC LOCC - NYC CASA - Oppose CSDA - NYC ACWA - NYC

**OC San  
State  
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
ACA 2	Alanis [R]	Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.	Referred to the Assembly Water, Parks, and Wildlife Committee and the Assembly Natural Resources Committee	Watch	<b>Guiding Priorities:</b> Obtain financial assistance for OC San projects through grants, loans, and legislative directed funding.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - NYC ACWA - NYC
SB 23	Caballero [D]	This bill would require, if an applicant requests a preapplication consultation, the state board or regional boards to adhere to specified procedures and timelines in reviewing the application before issuing project certification. The bill would authorize a project proponent to petition the state board to reconsider its determination of application completeness, or to appeal to the state board any regional board's determination of application completeness. This bill would authorize a state agency, defined to mean any agency, board, or commission, including the state board or the regional boards, with the power to issue a permit that would authorize a water supply project or authorize a flood risk reduction project, to take specified actions in order to complete permit review and approval in an expeditious manner. The bill would make findings and declarations related to the need to expedite water supply projects and flood risk reduction projects to better address climate change impacts while protecting the environment.	Currently in the Senate Appropriations Committee	Watch	<b>Legislative and Regulatory Policies:</b> Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Support ACWA - Sponsor
SB 34	Umberg [D]	This bill, until January 1, 2030, would require the County of Orange, or any city located within Orange County, if notified by the department that its planned sale or lease of surplus land is in violation of existing law, to cure or correct the alleged violation within 60 days, as prescribed. The bill would prohibit an Orange County jurisdiction that has not cured or corrected any alleged violation from disposing of the parcel until the department determines that it has complied with existing law or deems the alleged violation not to be a violation.	Read second time on May 5, 2023. Ordered to third reading	Oppose Unless Amended	<b>Legislative and Regulatory Policies:</b> Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Oppose Unless Amended ACWA - NYC
SB 229	Umberg [D]	This bill would require a local agency that has received a notification of violation from the department to hold an open and public session to review and consider the substance of the notice of violation. The bill would require the local agency's governing body to provide prescribed notice no later than 14 days before the public session. The bill would prohibit the local agency's governing body from taking final action to ratify or approve the proposed disposal until a public session is held as required. By imposing new duties on local agencies, the bill would impose a state-mandated local program. The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.	Read second time on May 5, 2023. Ordered to third reading	Oppose Unless Amended	<b>Legislative and Regulatory Policies:</b> Special Districts - Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Oppose Unless Amended ACWA - NYC



**OC San  
State  
Bills of Interest**

BILL	AUTHOR	SUMMARY	LATEST ACTION	OC SAN POSITION	LEGISLATIVE PLAN	OTHER POSITIONS
<b>SB 411</b>	<b>Portantino [D]</b>	This bill, until January 1, 2028, would authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define “eligible legislative body” for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act.	Currently in the Senate Judiciary Committee	Watch	<b>Legislative and Regulatory Policies: Special Districts -</b> Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - NYC ACWA - NYC
<b>SB 659</b>	<b>Ashby [D]</b>	Would establish the California Water Supply Solutions Act of 2023 to, among other things, achieve an increase of 10,000,000 acre-feet of annual groundwater recharge by December 31, 2035, in order to increase the state’s groundwater supply. The bill would require, on or before January 1, 2025, the department, in consultation with the water boards, as defined, to prepare and approve a groundwater recharge action plan to be included in the next update to the California Water Plan. The bill would require the groundwater recharge action plan to identify and make recommendations on immediate opportunities and potential long-term solutions to increase the state’s groundwater supply, as specified. The bill would require specified actions with regards to the groundwater recharge action plan, including, among other things, requiring the department and water boards to update the groundwater recharge action plan at the same time that they prepare updates to the California Water Plan. The bill would require, by December 31, 2035, the department and water boards to implement the recommendations identified in the groundwater recharge action plan that result in new infrastructure and institutional mechanisms in place that provide for the ability to create an additional average annual groundwater recharge amount of 10,000,000 acre-feet.	Currently in the Senate Appropriations Committee	Watch	<b>Guiding Priorities:</b> Obtain financial assistance for OC San projects through grants, loans, and legislative directed funding.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Watch ACWA - NYC
<b>SB 745</b>	<b>Cortese [D]</b>	Would require the California Building Standards Commission to research, develop, adopt, approve, codify, and publish voluntary and mandatory building standards to reduce potable water use in new residential and nonresidential buildings, as specified. The bill would require the commission to perform a review of voluntary and mandatory water efficiency and water reuse standards in the California Buildings Standards Code every 3 years, commencing with the next triennial edition, and update as needed.	Currently in the Senate Appropriations Committee Suspense File	Watch	<b>Legislative and Regulatory Policies: Special Districts -</b> Oppose further state regulations that adversely impact special district financing, operations, and administration.	ACC-OC - NYC LOCC - NYC CASA - NYC CSDA - Oppose Unless Amended ACWA - Not Favor Unless Amended

**Legend:**

ACC-OC - Association of California Cities, Orange County  
LOCC - League of California Cities  
NYC - Not Yet Considered  
CASA - California Association of Sanitation Agencies  
ACWA - Association of California Water Agencies  
CSDA - California Special Districts Association



# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

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**File #:** 2023-2989

**Agenda Date:** 5/24/2023

**Agenda Item No:** 5.

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**FROM:** Robert Thompson, General Manager

**SUBJECT:**

**PUBLIC AFFAIRS UPDATE FOR THE MONTH OF APRIL 2023**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

Receive and file the Public Affairs Update for the month of April 2023.

**BACKGROUND**

Included in this report are recent activities of interest managed by the Public Affairs Office for the month of April 2023.

**RELEVANT STANDARDS**

- Maintain influential legislative advocacy and a public outreach program
- Build brand, trust, and support with policy makers and community leaders
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities
- Listen to and seriously consider community input on environmental concerns

**PROBLEM**

The Orange County Sanitation District (OC San) is well-recognized within the water/wastewater industry; however, within our service area, as we do not have direct communications through a billing method, there may be limited knowledge by our customers of the important work we do to protect public health and the environment. In general, the customers we serve may not realize that when they improperly dispose of waste into the sanitation system, it can negatively affect our sewer lines, our treatment plants, and the quality of water we supply for the Groundwater Replenishment System.

**PROPOSED SOLUTION**

By providing tours, community outreach, education, and general communication via OC San's website, social media, and direct mailings, we can share information with the community, local agencies, and businesses on our messaging such as the What2Flush program, energy production, water recycling, biosolids, and OC San's source control program. This, in turn, helps improve the

quality of wastewater that is recycled or released to the ocean and the knowledge and understanding of wastewater treatment.

## **RAMIFICATIONS OF NOT TAKING ACTION**

If OC San does not inform the community, local agencies, and area businesses about OC San, we may not have the support necessary to deliver our mission.

## **PRIOR COMMITTEE/BOARD ACTIONS**

July 2022 - Public Affairs Strategic Plan for Fiscal Year 2022-2024 approved.

## **ADDITIONAL INFORMATION**

### **Activities for the month of April 2023:**

#### **Outreach Report**

An outreach report that includes tours, website, social media posts, construction notifications, speaker engagements, and more is attached to this Agenda Report.

#### **Social Media**

OC San messaging, announcements, and program updates were posted across OC San's social media platforms.

- Facebook: 17 posts reaching 4.8k people
- Twitter: 10 posts reaching 1.1k people
- Instagram: 32 posts reaching 6.4k people
- LinkedIn: 7 posts and reaching 7.4k people

#### **Media Coverage**

During the month of April, OC San was mentioned in the Orange Coast Magazine, OC Register, and ABC 7 News for the Expansion of the GWRS. There were also articles on the new Supercritical Water Oxidation project in Yahoo Finance, the announcement of the new Director of Finance, and Congressman Correa presenting OC San with \$3 million for the PFAS contamination cleanup. These and other articles can be found in the Outreach Report.

#### **Presentations**

During the month of April, employees participated in eight tours and five speaking engagements including the Costa Mesa Earth Day, Villa Park City Council meeting, California Water Environment Association Conference, Cal State Long Beach Women's Conference, No Dig Show, and others. Details can be found in the Outreach Report.

#### **Construction Outreach**

Outreach efforts continue for OC San construction activities throughout the service area. Projects are ongoing in Fountain Valley, Seal Beach, Westminster, Buena Park, Anaheim, and within both of the treatment plants. Website updates, email text alerts, and direct notifications continue to be distributed as the projects progress. In April, over 4,500 notifications were distributed in Seal Beach, Los Alamitos, Rossmoor, Fountain Valley, and Anaheim.

**OC San Video Contest**

OC San launched its 2023 Video Contest offering high school and college students who live or attend school within OC San's service area an opportunity to create an educational video. This year's theme is "Find Yourself at OC San" and is intended to highlight careers in wastewater. The winning videos will be showcased on our social media platforms and our website. Video submittals are due May 19. Details can be found on OC San's website.

**Neighborhood Connection Newsletter**

The spring issue of OC San's community newsletter was distributed in April. The issue includes updates on infrastructure projects throughout the service area and both plants, Supercritical Water Oxidation project and an introduction to OC San's Community Liaisons. The newsletter is distributed electronically to approximately 4,500 readers and shared on OC San's social media platforms.

**GWRS Final Expansion Event**

OC San and the Orange County Water District hosted a dedication event for the final completion of the GWRS on April 14. Over 350 dignitaries attended the event which received news coverage from various outlets.

**Wastewater 101 Citizens Academy**

The last two workshops of the spring Citizens Academy took place in April, culminating in a tour of the plant and a graduation at the April Board meeting. This session had a record number of graduates with 30 attendees receiving completion certificates.

**Internal Communication**

Internal communication is a key component of the Public Affairs Office. In April, there were 45 posts on the employee intranet - *The San Box*, four weekly emails distributed on hot topics for the week, and the employee newsletter, *The Pipeline*, was also published.

**Awards**

OC San won first place for the California Water Environmental Association Community Engagement and Outreach: Project of the Year - Large for OC San's partnership with the Heritage Museum. This partnership allows OC San to deliver messaging on What 2 Flush to 4,500 visitors of the museum thus expanding our reach. Staff accepted the award at the annual conference in April.

**Upcoming Activities for May:****Honor Walk Recognition**

The Honor Walk Recognition Program nominations for former employees were approved by the Executive Management Team and are agendaized for the Steering Committee. The Honor Walk celebration will be held on Wednesday, June 28 at 4 p.m. at OC San's Plant No. 1.

**FINANCIAL CONSIDERATIONS**

All items mentioned are included in OC San's FY 2022-2024 Budget.

**ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Outreach and Media Report - April 2023

# Outreach and Media Summary



**April 2023**

OC San Public Affairs Office

# Table of Contents

<b>OUTREACH REPORT.....</b>	<b>PAGE 1</b>
<b>FACEBOOK POSTINGS .....</b>	<b>PAGE 3</b>
<b>TWITTER POSTINGS .....</b>	<b>PAGE 4</b>
<b>INSTAGRAM POSTINGS.....</b>	<b>PAGE 5</b>
<b>LINKEDIN POSTINGS.....</b>	<b>PAGE 6</b>
<b>NEWS ARTICLES.....</b>	<b>PAGE 7</b>

# Outreach Report April 2023

Date	Tours	Attendees	Tour Guide
4/5/23	Ops Committee Tour P2	14	Rob Thompson
4/12/23	Admin Committee Tour P2	13	Rob Thompson
4/12/23	WW 101 Tour	32	Rob Thompson
4/13/23	OCEA	5	Rob Thompson
4/21/23	Board Members	2	Rob Thompson
4/24/23	Congressman Correa Tour	5	Rob Thompson
4/25/23	Maria Pareyra Tour	1	Cortney Light
4/27/23	Former Board Member and guests	6	Rob Thompson
Date	Speaking Engagements/Events	Attendees	Presenter
4/22/23	Costa Mesa Earth Day	100	Enisha Matthews/ Al Garcia/ Kevin Nugent/ Kelly Newell
4/25/23	Villa Park City Council	20	Rob Thompson
4/29- 5/3/23	CWEA Student Design Conference Judging	5	Valerie Ratto
4/29/23	Cal State Long Beach Annual Women's Conference	50	Nasrin Nasrollahi
4/30/23	No Dig Show in Oregon	50	Dickie Fernandez
Project Area	Outreach Notifications	# of People Reached	Website Posts and Text Alerts
Anaheim/ Buena Park	Orange Western Sewer - project update	50	1 website posts/ 1 text alerts
Fountain Valley	Bushard Diversion Structure work	300	1 website post
Los Alamitos/ Seal Beach	Los Alamitos Sewer - project update	5000	1 website posts/ 1 text alert
Service Area	Community newsletter – spring issue	4500	1 website post
External Communications	Distribution	# of People Reached	
5 Minutes Per Month	One	216	
Board Member Talking Points	One	50	



Website Posts	9 posts	4k views	Website
Facebook	17 posts	4.8k reached	Social Media
Twitter	10 tweets	1.1k reached	Social Media
Instagram	32 posts	6.4 reached	Social Media
LinkedIn	7 posts	7.4 k reached	Social Media

## Post performance - Facebook Pages

Data from 01 Apr, 2023 to 30 Apr, 2023

### Sources

Orange County Sanitation District

DATE	POST	ENGAGEMENT RATE	IMPRESSIONS	REACH
Apr 28, 17:28	(Post with no description)	27.06%	181	170
Apr 28, 17:13	(Post with no description)	5.51%	140	127
Apr 27, 20:00	The latest issue of the OC San Connection is now available on our website. Visit <a href="https://ocsan.gov">ocsan.gov</a> to read all about what's going on behind the walls.	5.59%	151	143
Apr 25, 16:36	Yesterday, Rep. Lou Correa was at OC San to give us a really big check for \$3.45 million. This is part of the Community Project Funding Request for our Supercritical Water Oxidation Project. SCWO's technology is expected to...	25.7%	189	179
Apr 25, 14:31	We agree! Water should be a priority.	14.16%	121	113
Apr 24, 15:04	Don't forget to join in this Wednesday, April 26, the OC San Steering Committee Meeting (5 p.m.) and Board Meeting (6 p.m.). Click here to view the agenda:	6.74%	97	89
Apr 20, 18:19	ENTER AND SHARE! It's video contest time! Put your best video skills forward and enter our #FindYourselfAtOCsan Video Contest to win amazing prizes! Let's see your creative side - show us your videomasterpiece 🎥	2.69%	594	557
Apr 19, 21:04	Ever met us in person? If not, hopefully soon! OC San has a fantastic group of volunteers who donate their time to help educate our community about what we do. They go out to community events, tours, speaking engagements, etc....	20.07%	290	284
Apr 18, 20:08	Job alert! Waiting for that perfect position to open up at OC San? The time is now! We have a diverse range of career openings! Apply now! Visit <a href="https://ocsan.gov/jobs">ocsan.gov/jobs</a> for open positions.	4.3%	1,293	1,234
Apr 16, 17:54	The now completed Groundwater Replenishment System can provide up to 130 million gallons of water per day, enough to serve 1 million people.	16%	116	100
Apr 15, 00:55	Another successful project and event for the books! GWRS Final Completion 💧	28.4%	176	162
Apr 13, 18:04	He Shoots, He Scores! 🏆 These Kiddos were pros playing our OC San game @heritagemusoc	10.4%	344	327
Apr 10, 18:29	Join us in congratulating Wally, who was selected as the Director of Finance for OC San. Visit <a href="https://ocsan.gov">ocsan.gov</a> to learn more about our newest member of the Executive Management Team.	0%	0	0
Apr 10, 18:29	Join us in congratulating Wally, who was selected as the Director of Finance for OC San. Visit <a href="https://ocsan.gov">ocsan.gov</a> to learn more about our newest member of the Executive Management Team.	11.03%	282	263
Apr 07, 14:01	In honor of "spring cleaning" let's make sure your pipes are clean and not filled with icky, sticky FOG. #FPGClugs #CantTrashItCoolIt #FOG	0%	0	0
Apr 07, 14:01	In honor of "spring cleaning" let's make sure your pipes are clean and not filled with icky, sticky FOG. #FPGClugs #CantTrashItCoolIt #FOG	1.85%	174	162
Apr 05, 15:00	Join us in congratulating our new Human Resources Manager. He was selected from a talented pool of candidates. #OCsanCareers #JobsInWastewater #HumanResources	0%	0	0
Apr 05, 15:00	Join us in congratulating our new Human Resources Manager. He was selected from a talented pool of candidates. #OCsanCareers #JobsInWastewater #HumanResources	14%	479	457
Apr 03, 16:39	A Special Meeting of the OC San Operations Committee Meeting is happening on April 5 at 3 p.m. Click here to view the agenda:	5.61%	125	107
Apr 03, 15:00	As a Monday treat, we thought we would share some never before seen pictures of our Truck Loading facility at Plant No. 2 in Huntington Beach.	12.53%	403	383

## Post performance - Twitter

Data from 01 Apr, 2023 to 30 Apr, 2023

### Sources

@OCSanDistrict

DATE ▼	POST	ENGAGEMENT RATE	ENGAGEMENTS	IMPRESSIONS
@OCSanDistrict Apr 27, 20:00	The latest issue of the OC San Connection is now available on our website. Visit <a href="http://ocsan.gov">http://ocsan.gov</a> to read all about what's going on behind the walls. <a href="https://twitter.com/OCSanDistrict/status/165167785901920262/photo/1">https://twitter.com/OCSanDistrict/status/165167785901920262/photo/1</a>	2.78%	1	36
@OCSanDistrict Apr 27, 16:11	Don't miss out! Share this opportunity with everyone you know. <a href="https://twitter.com/cityoflapalma/status/1651618075135836163">https://twitter.com/cityoflapalma/status/1651618075135836163</a>	0%	0	51
@OCSanDistrict Apr 25, 16:36	Lou Correa was at OC San to give us a check for \$3.45 million as part of the Community Project Funding Request for our Supercritical Water Oxidation Project. SCWO's technology is expected to destroy things like PFAS,...	3.39%	2	59
@OCSanDistrict Apr 20, 18:19	ENTER AND SHARE! It's video contest time! Put your best video skills forward and enter our #FindYourselfAtOCsan Video Contest to win amazing prizes! Let's see your creative side - show us your #videomasterpiece <a href="https://twitter.com/OCSanDistrict/status/1651618075135836163">https://twitter.com/OCSanDistrict/status/1651618075135836163</a>	1.46%	3	205
@OCSanDistrict Apr 19, 21:04	Ever met us in person? If not, hopefully soon! OC San has a fantastic group of volunteers who donate their time to help educate our community about what we do. They go out to community events, tours, speaking engagements, etc....	2.25%	2	89
@OCSanDistrict Apr 18, 20:08	Job alert! Waiting for that perfect position to open up at OC San? The time is now! We have a diverse range of career openings! Apply now! Visit <a href="http://ocsan.gov/jobs">http://ocsan.gov/jobs</a> for open positions. <a href="https://twitter.com/OCSanDistrict/status/164841...">https://twitter.com/OCSanDistrict/status/164841...</a>	16.95%	10	59
@OCSanDistrict Apr 10, 18:29	Join us in congratulating Wally, who was selected as the Director of Finance for OC San. Visit <a href="http://ocsan.gov">http://ocsan.gov</a> to learn more about our newest member of the Executive Management Team. <a href="https://twitter.com/OCSanDistrict/status/16454...">https://twitter.com/OCSanDistrict/status/16454...</a>	0%	0	67
@OCSanDistrict Apr 07, 14:01	In honor of "spring cleaning" let's make sure your pipes are clean and not filled with icky, sticky FOG. #FPGClogs #CantTrashItCoolIt #FOG <a href="https://twitter.com/OCSanDistrict/status/1644339656241168386/photo/1">https://twitter.com/OCSanDistrict/status/1644339656241168386/photo/1</a>	3.42%	5	146
@OCSanDistrict Apr 05, 15:03	Join us in congratulating our new Human Resources Manager. He was selected from a talented pool of candidates. #OCSanCareers #JobsInWastewater #HumanResources <a href="https://twitter.com/OCSanDistrict/status/1643630438588...">https://twitter.com/OCSanDistrict/status/1643630438588...</a>	5.52%	8	145
@OCSanDistrict Apr 03, 15:03	As a Friday treat, we thought we would share some never before seen pictures of our Truck Loading facility at Plant No. 2 in Huntington Beach. <a href="https://twitter.com/OCSanDistrict/status/1642905594263740416/photo/1">https://twitter.com/OCSanDistrict/status/1642905594263740416/photo/1</a>	4.68%	11	235

## Post performance - Instagram Business

Data from 01 Apr, 2023 to 30 Apr, 2023

### Sources

ocsandistrict


DATE ▼	POST	ENGAGEMENT RATE	IMPRESSIONS	LIKES	REACH
ocsandistrict Apr 27, 20:00	The latest issue of the OC San Connection is now available on our website. Visit <a href="#">ocsan.gov</a> to read all about what's going on behind the walls.	4.86%	157	7	144
ocsandistrict Apr 26, 17:25	Awesome Prizes for an Awesome Contest! Make sure to submit ✓	0%	109	0	108
ocsandistrict Apr 25, 16:36	Yesterday, @reploucorrea was at OC San to give us a really big check for \$3.45 million. This is part of the Community Project Funding Request for our Supercritical Water Oxidation Project. SCWO's technology is expected to...	7.83%	306	17	230
ocsandistrict Apr 25, 16:14	#OCSanHeadquarters	0%	165	0	163
ocsandistrict Apr 24, 21:46	Supercritical Water Oxidation Remember that, you'll be hearing more about it soon! Let's talk about SCWO...	0%	159	0	158
ocsandistrict Apr 24, 18:21	Don't forget to submit your videos for a chance to win!	0%	156	0	153
ocsandistrict Apr 24, 18:20	The OC San Team always representing! Last week at the @cweamembers conference	0%	178	0	174
ocsandistrict Apr 23, 17:55	Happy Earth Day! We are celebrating by participating at @cityofcostamesa Earth Day event. Come visit us today...we're here until 2 pm.	6.85%	277	17	248
ocsandistrict Apr 22, 17:41	Come visit us today! We're here from 10-2pm	0%	147	0	147
ocsandistrict Apr 22, 17:40	We're at the Costa Mesa Earth Day today !	0%	160	0	160
ocsandistrict Apr 21, 18:19	✨ Enjoying the sun & learning things	0%	194	0	192
ocsandistrict Apr 20, 18:20	ENTER AND SHARE! It's video contest time! Put your best video skills forward and enter our #FindYourselfInOCsan Video Contest to win amazing prizes! Let's see your creative side - show us your #videomasterpiece 📹	5.64%	251	10	195
ocsandistrict Apr 20, 17:35	#OCSanConstruction Hard work happening on Western and Lincoln	0%	154	0	152
ocsandistrict Apr 19, 21:04	Ever met us in person? If not, hopefully soon! OC San has a fantastic group of volunteers who donate their time to help educate our community about what we do. They go out to community events, tours, speaking engagements, etc....	10.26%	218	18	195
ocsandistrict Apr 19, 01:51	For those of you who couldn't find it!	0%	127	0	127
ocsandistrict Apr 18, 20:08	Job alert! Waiting for that perfect position to open up at OC San? The time is now! We have a diverse range of career openings! Apply now! Visit <a href="#">ocsan.gov/jobs</a> for open positions.	4.63%	402	16	367
ocsandistrict Apr 18, 17:00	(No description)	0%	204	0	196
ocsandistrict Apr 14, 22:13	We could not have of said it better ourselves. Bottoms Up! Here's to the GWRS Final Completion Dedication 💧	6.82%	0	27	469
ocsandistrict Apr 14, 18:37	#OCSanBoardChairman	0%	158	0	156
ocsandistrict Apr 14, 18:35	#GWRSFinalExpansion Every Big Milestone Requires a Celebration	0%	162	0	160
ocsandistrict Apr 14, 18:33	#GWRSFinalExpansion	0%	175	0	171
ocsandistrict Apr 13, 19:18	(No description)	0%	138	0	137
ocsandistrict Apr 13, 18:04	He Shoots, He Scores! 🏀 These Kiddos were pros playing our OC San game @heritagemusc	6.95%	256	11	187
ocsandistrict Apr 11, 23:20	(No description)	0%	159	0	158
ocsandistrict Apr 11, 22:52	#OCSanConstruction	0%	179	0	178
ocsandistrict Apr 10, 18:29	Join us in congratulating Wally, who was selected as the Director of Finance for OC San. Visit <a href="#">ocsan.gov</a> to learn more about our newest member of the Executive Management Team.	7.46%	365	23	335
ocsandistrict Apr 07, 18:01	#OCSanHeadquarters	0%	148	0	146
ocsandistrict Apr 07, 18:01	#OCSanHeadquarters	0%	150	0	150
ocsandistrict Apr 07, 17:40	An office with a view please ✨ #OCSanHeadquarters	0%	180	0	176
ocsandistrict Apr 07, 14:01	In honor of "spring cleaning" let's make sure your pipes are clean and not filled with icky, sticky FOG. #FPGClogs #CanitTrashitCoolIt #FOG	4.03%	165	5	149
ocsandistrict Apr 05, 15:01	Join us in congratulating our new Human Resources Manager. He was selected from a talented pool of candidates. #OCSanCareers #JobsinWastewater #HumanResources	8.87%	441	31	406
ocsandistrict Apr 03, 15:03	As a Friday treat, we thought we would share some never before seen pictures of our Truck Loading facility at Plant No. 2 in Huntington Beach.	7.14%	363	19	280

















## Post performance - LinkedIn Pages

Data from 01 Apr, 2023 to 30 Apr, 2023

### Sources

 Orange County Sanitation District

DATE ▼	POST	ENGAGEMENT RATE	IMPRESSIONS	REACTIONS	SHARES
 Orange County Sanitation District Apr 27, 20:00	 The latest issue of the OC San Connection is now available on our website. Visit <a href="https://ocsan.gov">ocsan.gov</a> to read all about what's going on behind the walls.	3.03%	264	2	0
 Orange County Sanitation District Apr 25, 16:36	 Yesterday, Congressman Lou Correa was at OC San to give us a really big check for \$3.45 million. This is part of the Community Project Funding Request for our Supercritical Water Oxidation Project. SCWO's technology is expected to...	15%	1,627	84	4
 Orange County Sanitation District Apr 20, 18:19	 ENTER AND SHARE! It's video contest time! Put your best video skills forward and enter our #FindYourselfAtOCSan Video Contest to win amazing prizes! Let's see your creative side - show us your #videomasterpiece 🎬	6.86%	700	4	1
 Orange County Sanitation District Apr 18, 20:08	 Job alert! Waiting for that perfect position to open up at OC San? The time is now! We have a diverse range of career openings! Apply now! Visit <a href="https://ocsan.gov/jobs">ocsan.gov/jobs</a> for open positions.	7.49%	721	15	3
 Orange County Sanitation District Apr 18, 16:17	 The GWRS Final Completion is something that we all should celebrate 🎉👏 <a href="https://lnkd.in/g/WfGf7V">https://lnkd.in/g/WfGf7V</a>	7.04%	1,888	56	5
 Orange County Sanitation District Apr 10, 18:29	 Join us in congratulating Wally, who was selected as the Director of Finance for OC San. Visit <a href="https://ocsan.gov">ocsan.gov</a> to learn more about our newest member of the Executive Management Team.	5.42%	1,180	31	0
 Orange County Sanitation District Apr 05, 15:01	 Join us in congratulating our new Human Resources Manager. He was selected from a talented pool of candidates. #OCSanCareers #JobsInWastewater #HumanResources	7.97%	1,104	38	0

April Media News Articles

Rob Thompson, OC San GM, at 374Water SCWO Week 2023	4/1/2023	374Water/U tube	<a href="https://www.youtube.com/watch?v=iVWM2SV1i_w">https://www.youtube.com/watch?v=iVWM2SV1i_w</a>
Acres of L.A. County sewage sludge threaten to contaminate Tulare Lake floodwaters	4/3/2023	LA Times	<a href="https://www.ocsan.gov/home/showdocument?id=33860&amp;t=638180164630919272">https://www.ocsan.gov/home/showdocument?id=33860&amp;t=638180164630919272</a>
Discovery of antibiotic-resistant superbugs in L.A. wastewater sparks worry	4/10/2023	LA Times	<a href="https://www.ocsan.gov/home/showdocument?id=33866&amp;t=638180165209075603">https://www.ocsan.gov/home/showdocument?id=33866&amp;t=638180165209075603</a>
The world's biggest water recycling facility gets bigger in OC	4/14/2023	OC Register	<a href="https://www.ocsan.gov/home/showdocument?id=33870&amp;t=638180165227670109">https://www.ocsan.gov/home/showdocument?id=33870&amp;t=638180165227670109</a>
A watershed moment: Orange County leaders gush over system completion	4/14/2023	Daily Pilot	<a href="https://www.latimes.com/socal/daily-pilot/news/story/2023-04-14/a-watershed-moment-orange-county-leaders-gush-over-system-completion">https://www.latimes.com/socal/daily-pilot/news/story/2023-04-14/a-watershed-moment-orange-county-leaders-gush-over-system-completion</a>
Officials Dedicate Final Expansion of O.C.'s Groundwater Replenishment System	4/14/2023	Orange Coast Magazine	<a href="https://www.orangecoast.com/article/officials-dedicate-final-expansion-of-ocs-groundwater-replenishment-system/">https://www.orangecoast.com/article/officials-dedicate-final-expansion-of-ocs-groundwater-replenishment-system/</a>
Final expansion complete on world's largest water reuse facility	4/17/2023	Water Finance Management	<a href="https://waterfm.com/final-expansion-complete-on-worlds-largest-water-reuse-facility/">https://waterfm.com/final-expansion-complete-on-worlds-largest-water-reuse-facility/</a>
Expansion of world's biggest water reuse system in Orange County now complete	4/17/2023	ABC7	<a href="https://abc7.com/orange-county-water-districts-groundwater-replenishment-system-mehul-patel-katie-porter/13128506/">https://abc7.com/orange-county-water-districts-groundwater-replenishment-system-mehul-patel-katie-porter/13128506/</a>
374Water Demonstrates Revolutionary Waste Management Solution for a Deluge of Attendees at SCWO Week	4/18/2023	Yahoo Finance	<a href="https://finance.yahoo.com/news/374water-demonstrates-revolutionary-waste-management-130000803.html">https://finance.yahoo.com/news/374water-demonstrates-revolutionary-waste-management-130000803.html</a>
As climate change drives drought throughout the West, there's no easy solution	4/18/2023	American City and County	<a href="https://www.americancityandcounty.com/2023/04/18/with-climate-change-driving-drought-conditions-in-the-west-theres-no-easy-solution/">https://www.americancityandcounty.com/2023/04/18/with-climate-change-driving-drought-conditions-in-the-west-theres-no-easy-solution/</a>
Massive sewage spill could cost L.A. city up to \$21.7 million in fines	4/20/2023	LA Times	<a href="https://www.ocsan.gov/home/showdocument?id=33868&amp;t=638180165221419501">https://www.ocsan.gov/home/showdocument?id=33868&amp;t=638180165221419501</a>

Groundwater Replenishment System Completion Increases Water Supply Reliability for Orange County	4/24/2023	Fullerton Observer	<a href="https://fullertonobserver.com/2023/04/24/gro-undwater-replenishment-system-completion-increases-water-supply-reliability-for-orange-county/">https://fullertonobserver.com/2023/04/24/gro-undwater-replenishment-system-completion-increases-water-supply-reliability-for-orange-county/</a>
Water Reuse Newsletter	4/24/2023	Water Reuse	<a href="https://www.ocsan.gov/home/showdocument?id=33864&amp;t=638180164641700739">https://www.ocsan.gov/home/showdocument?id=33864&amp;t=638180164641700739</a>
Groundwater Replenishment System Completion Increases Water Supply Reliability for Orange County	4/24/2023	Fullerton Observer	<a href="https://fullertonobserver.com/2023/04/24/gro-undwater-replenishment-system-completion-increases-water-supply-reliability-for-orange-county/">https://fullertonobserver.com/2023/04/24/gro-undwater-replenishment-system-completion-increases-water-supply-reliability-for-orange-county/</a>
In Orange, Rep. Correa Announces over \$3 Million in Federal Funding for PFAS Contamination Cleanup	4/24/2023	Correa Press Release	<a href="https://www.ocsan.gov/home/showdocument?id=33862&amp;t=638180164636231908">https://www.ocsan.gov/home/showdocument?id=33862&amp;t=638180164636231908</a>
California County Recycles All Its Wastewater, A World First	4/28/2023	Karuna News	<a href="https://www.karunanews.org/story/11634/california-county-recycles-all-its-wastewater-a-world-first">https://www.karunanews.org/story/11634/california-county-recycles-all-its-wastewater-a-world-first</a>



# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

**File #:** 2023-2928

**Agenda Date:** 5/24/2023

**Agenda Item No:** 6.

**FROM:** Robert Thompson, General Manager

**SUBJECT:**

### **SELECTION OF HONOR WALK BRICK RECIPIENTS AND EMPLOYEE DEDICATIONS**

#### **GENERAL MANAGER'S RECOMMENDATION**

##### RECOMMENDATION:

- A. Approve nominated former employees Marc Dubois and Jack Ellis as Honor Walk brick recipients for the year 2023;
- B. Consideration of former Board Members Carolyn Cavecche, Larry Crandall, Jim Ferryman, and Greg Sebourn as Honor Walk brick recipients for the year 2023; and
- C. Approve Brian Bingman and Linda Losurdo for tunnel dedications.

#### **BACKGROUND**

The Steering Committee is being asked to consider and act on the nominations for the 2023 Honor Walk and for naming of utility tunnels at Plant No. 2.

#### **RELEVANT STANDARDS**

- Maintain positive employer-employee relations

#### **PROBLEM**

If the nominees are not approved, we cannot move forward with the Honor Walk process nor the tunnel naming needed for identification purposes on Plant map updates.

#### **PROPOSED SOLUTION**

Consider the two recommended staff nominees from the five who were nominated as selected by the Staff Selection Committee. Select former Board members for inclusion in the Honor Walk Program from the list of nominees using the criteria listed below in Additional Information.

#### **RAMIFICATIONS OF NOT TAKING ACTION**

The Honor Walk Dedication ceremony will not take place, nor will the tunnels be named.



## **PRIOR COMMITTEE/BOARD ACTIONS**

June 2008 - Board adopted Resolution No. OCSD 08-08 establishing a policy for naming facilities and placing of monuments and other memorials.

## **ADDITIONAL INFORMATION**

In 2008, the Steering Committee adopted a Resolution that provided a framework for recognizing past Board members and former staff for their outstanding contributions. One of the results of this resolution and the discussions that followed was the creation of the Honor Walk in front of the Administration Building at Plant No. 1 in 2009 with the first honoree recognized in 2010.

Honorees can be past Board members or employees who made significant contributions to Orange County Sanitation District (OC San) and the people it serves.

The policy and procedures developed by the Steering Committee stipulate that the General Manager make a recommendation to the Steering Committee for approval of the retired staff nominees; and the Steering Committee will deliberate and decide on past Board members.

The criteria adopted by the Board of Directors for selecting an Honor Walk recipient:

- Have a long-standing affiliation with OC San.
- Enhanced the quality of operations and/or leadership directly contributing to the well-being of OC San and people served by OC San.

The naming of tunnels at both Plant Nos. 1 and 2 have been done over the years as a way to honor former employees for their contributions, while providing a name to identify the tunnels. OC San will be upgrading the Temperature-Phased Anaerobic Digestion (TPAD) Digester Facility at Plant No. 2, adding two new tunnels to the 18 we currently have.

## **PAST BOARD MEMBER NOMINEES**

This year, former Board members Carolyn Cavecche, Larry Crandall, Jim Ferryman, and Greg Sebourn are nominated for the Honor Walk.

Attached are their nomination forms for consideration by the Steering Committee. Historically, up to two honorees are selected for each category in any one year.

## **RETIRED EMPLOYEE NOMINEES**

Five employees were nominated for the Honor Walk this year. An employee committee consisting of five employees representing different divisions and various years of service reviewed the candidates.

Based on the review of the nominees, the employee committee recommended two out of the five employees to the EMT. Based on each employee's significant, unique, and outstanding contributions to OC San, the EMT unanimously accepted the following two recommendations.

The Employee Nominees:

Marc Dubois, former Purchasing Manager, 1996 - 2019 (23 years)

Jack Ellis, former Collections Facilities Foreman, 1956-1979 (23 years)

The Honor Walk ceremony will be held on June 24, 2023 at 4:00 p.m.

Four employees were nominated for the TPAD tunnels, the two employees with the most nominations are:

Brian Bingman, former Engineering Supervisor, 24 years of service

Linda Losurdo, former Administrative Assistant, 30 years of service

The tunnels will be known as the Bingman and Losurdo tunnels.

### **ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Honor Walk Nomination Forms

ORANGE COUNTY SANITATION DISTRICT

HONOR WALK NOMINEE FORM

Please complete this form and return it to the OCSD Public Affairs Office.

Name of nominee Marc Dubois

Relationship to OCSD Former Contracts, Purchasing, and Materials Manager

On a separate sheet, please describe:

- The length and nature of the nominee’s relationship to OCSD;
- How he or she has enhanced the quality of operations and/or leadership; and
- How the nominee has made an exceptional contribution to OCSD or people served by OCSD.

Please use the attached leadership competencies and resolution adopted by the Board of Directors establishing the program, as reference.

**Nominees should be past Board Members or retired employees.**

Name of requestor Heather Park and Jackie Lagade

Phone/email address HPark@ocsd.com x7585 and JLagade@ocsd.com x7557

Department head approval\* \_\_\_\_\_ Date \_\_\_\_\_

General manager approval\* \_\_\_\_\_ Date \_\_\_\_\_

Steering Committee approval                      Yes                      No                      Date                     

\*Required for employee nominations only.

Marc Dubois made a significant contribution to the District over his nearly 25 years as the Contracts, Purchasing, and Materials Manager. He developed Purchasing ordinances, policies, and procedures that govern the way the District does business to this day. Having previously worked at LA County Sanitation and the County of Orange, he came to the District in 1995 with experience that he used to create an effective, progressive, and highly regarded procurement department.

Throughout his career, Marc, with his leadership and collaborative skills with other managers, streamlined the procurement process in several significant ways, such as:

- Instituting electronic bidding aligning with the District's paperless initiative and expediting the formal procurement process.
- Helping to create the District standard in Board Agenda Reports that allowed for the establishment of contingency funds for projects at time of award.
- Creating the District's first-ever Maintenance and Repair Master contract, which allowed the District to complete a backlog of projects quickly and efficiently and still allows for the fast procurement of numerous maintenance and repair projects.
- Championing for the increased bidding limits we use today to expedite the procurement process while maintaining the District's fiduciary responsibility.

Marc, as a manager, was innovative not only in his approaches to procurement, but in how best to provide the best customer service to all departments at the District. For example, he revamped the divisional SharePoint page to make it a "one-stop-shop" for end users to learn and understand the District's procurement process. He also made several other significant improvements District-wide during his career, such as:

- Helping to create our current Contracts Administration department by recruiting knowledgeable staff whom we still rely on today to complete our largest construction & design contracts.
- Authoring and consistently updating the District's Purchasing Ordinances and the General Manager's Purchasing Policies and Procedures.
- Championing for his department to apply for and successfully win the Achievement of Excellence in Procurement (AEP) award for the past 18 years consecutively.
- Creating a "Garage Sale" area in the Warehouse that allows employees to find gently used items from their peers, which saves the District expenses on furniture and promoting reuse of items.

Overall, Marc Dubois created a procurement division that served as a leading example to other agencies in Orange County and California, and he gained a reputation in the procurement industry as a progressive, cutting-edge procurement manager. Marc's efforts to create an effective and prolific procurement department contributed to the overall success of the District, in its ability to procure and manage projects – from the largest construction efforts to the smallest part purchase – successfully, expeditiously, and lawfully.



## **Orange County Sanitation District**

### **Honor Walk Nominee**

My name is Thomas Blanda a former employee with Orange County Sanitation District.

I would like to nominate a retired employee, Jack Ellis from the Collection Division to be considered for the Honor Walk.

To gather some history about the retired employees Jack Ellis, I contacted Gary Marsalek and Larry Rood (former employees) who worked with him in the past as I did.

Jack Ellis was a pioneer in our industry and the cornerstone of the Collection Division and the District. There are only a few names of past retired employees of the District that symbolize the hard work that brought the District to where they are today and no better example is this gentlemen.

The dedication he had for his job and realizing the responsibilities he had to the public and the environment was his trademark before it became fashionable. The willingness to do a good job and to pass on his knowledge is only some of many traits that he shown during his employment.

He helped manage a large sewer system that was forever changing in size and responsibilities including 35 lift stations.

With new technology across the industry coming out were some of the challenges he faced with the pump stations and line maintenance.

His leadership and management skills for that time were strong and yet compassionate earning respect from employees from across the departments for being fair and understanding. He was always supportive of staff in education and employment advancement in the organization or the industry.

Information below is gathered from myself, Gary Marsalek, Larry Rood, and the District's archives. The events that took place during his watch were many with only a few listed, each having lessons learned that helped establish a standard of operations being used today.

#### **Some notable Events and Responsibilities of the Division during his watch**

Airplane crash at Westside PS, Sealbeach Force main break(s), PCH Force main break(s)

Inheriting pump stations and sewer lines from other cities to manage and maintain with little or No drawings.

Sewer lines and sewer interceptors running through farm land and oil fields.

House lateral maintenance in some areas through-out the district

Pump stations 35 total with a lot of submersible PS / all pump station shut downs, cleaning, and by-passes done by staff.

Inter-divisional assistance for both Plants 1&2

Easement maintenance for access and cleaning

### **Notable Standards**

Started Preventive Maintenance Program for Pump Stations / valve exercising (stations and force mains) established a trouble spot and siphon cleaning program for the Line Maintenance side

Invented the (PVC) plastic / rubber face gas flap

Established stand-by duties

Encouraged staff to obtain certification from CWPCA (CWEA)

Contributed Questions for the CWPCA Collection grade tests when it first started.

### **Tools / Equipment available during that time**

Small rodder, Med rodder trailer mounted (no Hydro Flusher until mid 70's)

Pump Station maintenance Rig / three pull rigs and trailer rigs.

Walkie talkies for line cleaners (no two way radios until later) pay telephones or visits to the field

A lot of the equipment used in the pump stations and line cleaning were from the Oil fields and War surplus / piping, valves, tools, cable rigs

Thomas Brothers Maps with colored outlines for identifying jurisdiction

Very little safety equipment compared to today standards and no record of a fatality to-date in the Collection Division.

Telemetry for pump stations very limited

### **Jack Ellis (Shop Foremen) (if now Sr. Supervisor) 1957 - 1979**

Jack's Grand-Father's farmland is what the District's Plant 1 is sitting on and the street was named after the Ellis family.

Before starting at the District, Marshall visited Jack many times on the farm to discuss and or fabricate items, for the District.

After a few years in college he started working at the district 1957

A master of fabrication, heavy equipment operator and problem solver

Built the old maintenance shops at Pl.1 (the two rolls of wood buildings—used Digester gas to heat the shops

Managed numerous force main breaks and by-passes on PCH, Seal Beach, and a airplane crash at Westside PS. Almost all the work was done by in- house staff that maintained, repaired, and replaced equipment.

Annual Collection's budgets were hand written on yellow legal paper and then sent to be typed

Designed, layout, and installed pumps at the District Pump Stations

Always took the time to explain the job or answer questions and carried a piece of soap stone in his pocket to work problems out or describe the task on the black top.

Jack Ellis was presented with a 15 Year Districts' Service Award, March 8, 1972.

### **In Closing**

Jack left the District in a whisper when he retired with only the memories of his accomplishments left for others. He was able to do so much with so little to make the District what it is today. It's only suitable for the District to put his name in a place of honor for his achievements and dedication to the District, the environment, and the public.

Thomas Blanda



ORANGE COUNTY SANITATION DISTRICT

HONOR WALK NOMINEE FORM

Please complete this form & return it to the Clerk of the Board **NO LATER THAN April 26, 2023**

Name of nominee Carolyn Caveccha

Relationship to OC San Former Board Member

On a separate sheet, please describe:

- The length and nature of the nominee’s relationship to OC San ;
- How he or she has enhanced the quality of operations and/or leadership; and
- How the nominee has made an exceptional contribution to OC San or people served by OC San.

As reference, please use the attached resolution adopted by the Board of Directors establishing the program and leadership competencies.

**Nominees must be past Board Member.**

Name of requestor Jon Dumitru

Phone/email address \_\_\_\_\_

Department Head approval\* \_\_\_\_\_ Date \_\_\_\_\_

General Manager approval\* \_\_\_\_\_ Date \_\_\_\_\_

Steering Committee approval Yes No Date \_\_\_\_\_

\*Required for employee nominations only.

Carolyn Cavecche – Former Board of Director and OTS Chairwoman

- January 30, 2007 Mayor Carolyn Cavecche appointed as alternate to OCSD
- February 7, 2007 Appointed to the Engineering and Operations (E&O) Committee
- August 9, 2005 Member of the Ad Hoc Committee re CIP Oversight
- March 1, 2005 Appointed to the Ad Hoc Committee to Advise the Steering Committee on General Counsel
- February 1, 2005 Appointed To be a member of the PIE Sub Committee to the Joint Coordinating Committee for the Groundwater Replenishment System
- January 25, 2005 Appointed Mayor pro tem Carolyn Cavecche as representative to OCSD
- December 9, 2004 Appointed to the Joint Coordinating Committee for the Groundwater Replenishment System
- August 25, 2003 Appointed Chairwoman of the Operations, Maintenance and Technical Services (OMTS) Committee
- August 18, 2004 Appointed to Alternate No. 3 on the Joint Coordinating Committee for the Groundwater Replenishment System
- February 26, 2003 Assign to the Operations, Maintenance and Technical Services (OMTS) Committee
- February 11, 2003 Appointed Councilmember Cavecche to OCSD as Director

# ORANGE COUNTY REGISTER

## OPINION

### The value of water independence

By [Carolyn Cavecche](#) | Orange County Register  
May 13, 2017 at 12:03 am

Twenty years ago, the elected officials who served on the boards of the Orange County Sanitation District and Orange County Water District had a visionary idea to recycle treated wastewater to drinking water standards and percolate that water into our underground aquifer where it could eventually be used again for drinking water.

The project — which would be known as the Groundwater Replenishment System — was not without opposition, much of it surrounding the cost of the project and the water it would produce. I served on the OCSD board at the time in my position as a council member in the city of Orange and I took my position of fiscal responsibility seriously. Being fiscally responsible means forecasting not just the value of the project in today's dollars, but the value of building infrastructure for future generations.

Admittedly, when GWRS came online in 2008, the cost of the water it produced was more expensive than the alternative of buying imported water from the Metropolitan Water District of Southern California. However, as imported water continued to increase in cost over the past decade, the GWRS water became less expensive and we now have local reliability at a lower cost.

Today, Orange County is considering the same investment with seawater desalination, and there is a value to building a project that will provide drought-proof, reliable, high-quality drinking water.

In Carlsbad, Poseidon Water built a 50 million gallon per day seawater desalination plant for \$1 billion in private financing. The Carlsbad Desalination Plant has produced and



delivered over 20 billion gallons of drinking water since December 2015 at a cost of approximately \$.007 (just over half-a-penny) per gallon. The public-private partnership project delivery method allowed for the San Diego County Water Authority to develop new, capital-intensive public-serving infrastructure without incurring debt or negatively affecting bond ratings. Successful delivery of the project without significant impact to water rates or debt burden was a factor that led to improvement in the San Diego County Water Authority's credit rating. On the flip side, because the price of desalinated water was determined prior to construction of the plant, public water agency customers have a greater certainty in projecting long-term water rates. In contrast, since 1978, the cost of water imported into Southern California by the Metropolitan Water District of Southern California has escalated annually by average of 6.4 percent.

The San Diego ratepayers only pay for that water if it is produced at the quality and quantity specified in Poseidon's contract with the San Diego County Water Authority. While it is slightly more expensive than imported water today, by 2025 — after 10 years of operation — that water is expected to be less expensive than treated imported water.

In addition to providing an affordable new local water supply, the project would create more than 300 on-site jobs over its three-year construction process and nearly 10 times that amount in indirect jobs. The project would also provide tens of millions of dollars in tax revenue to the city of Huntington Beach and the county of Orange. At a time when companies are fleeing California, we need to embrace companies willing to invest in quality infrastructure projects that benefit us all.

As the CEO and president of the Orange County Taxpayers Association, I will be looking closely at the final water purchase agreement between Poseidon Water and the Orange County Water District to ensure the protection of the ratepayers. But — as with GWRS — it is critical to understand the difference between cost and value. And there is a significant value to Orange County becoming more water independent and less susceptible to California's "boom and bust" climate that is prone to long-term droughts.

*Carolyn Cavecche is CEO and president of the Orange County Taxpayers Association.*

ORANGE COUNTY SANITATION DISTRICT

HONOR WALK NOMINEE FORM

Please complete this form & return it to the Clerk of the Board **NO LATER THAN April 26, 2023**

Name of nominee Larry Crandall

Relationship to OC San Former Chairperson

On a separate sheet, please describe:

- The length and nature of the nominee’s relationship to OC San ;
- How he or she has enhanced the quality of operations and/or leadership; and
- How the nominee has made an exceptional contribution to OC San or people served by OC San.

As reference, please use the attached resolution adopted by the Board of Directors establishing the program and leadership competencies.

**Nominees must be past Board Member.**

Name of requestor Glenn Grandis

Phone/email address Glenn.Grandis@fountainvalley.org

Department Head approval\* \_\_\_\_\_ Date \_\_\_\_\_

General Manager approval\* \_\_\_\_\_ Date \_\_\_\_\_

Steering Committee approval                     Yes                    No                    Date                    

\*Required for employee nominations only.

Larry Crandall

Operations Committee      2006 - 2012  
BOD                              2000 - 2012

Served as Operations Chair from 2007-2008  
Served as Alternate Director from 2000-2004  
Served as Board Vice Chair from 7/1/2008 - 6/30/2010  
Served as Board Chair from 7/1/2010 - 6/30/2012

Steering Committee        2006 - 2012  
GWRs Steering Committee 2008 - 2012

Served as Chairman twice

ORANGE COUNTY SANITATION DISTRICT

HONOR WALK NOMINEE FORM

Please complete this form & return it to the Clerk of the Board **NO LATER THAN April 26, 2023**

Name of nominee James Ferryman

Relationship to OC San Former OC San Board Chairman & Director (30+years)

On a separate sheet, please describe:

- The length and nature of the nominee’s relationship to OC San ;
- How he or she has enhanced the quality of operations and/or leadership; and
- How the nominee has made an exceptional contribution to OC San or people served by OC San.

As reference, please use the attached resolution adopted by the Board of Directors establishing the program and leadership competencies.

**Nominees must be past Board Member.**

Name of requestor David Shawver

Phone/email address \_\_\_\_\_

Department Head approval\* \_\_\_\_\_ Date \_\_\_\_\_

General Manager approval\* \_\_\_\_\_ Date \_\_\_\_\_

Steering Committee approval	Yes	No	Date
	_____	_____	_____

\*Required for employee nominations only.

## **James Ferryman**

James Ferryman has been an integral and longest-serving member of the Board of Directors. Jim served on the OC San board for 31 years was involved in many significant and crucial moments that have allowed this agency to become the industry leader it is.

Jim served in the late 1980's as an Alternate Director and became a Director in 1993. He served on the Administration Committee, CIP Oversight Ad Hoc Committee, Operations Maintenance & Technical Services and Admin Committee, Ad Hoc Legislative Advisory Committee, the Groundwater Replenishment System Committee, was a member of the Steering Committee's General Counsel Services Ad Hoc Advisory Committee, was the Steering and PDC Vice Chair and served on the FAHR Committee.

Jim served as Board Vice Chairman from July 2004-July 2006, and as Board Chairman from July 2006-June 2008.

He also represented OC San on various regional boards such as the California Association of Sanitation Agencies (CASA), California Special Districts Association (CSDA), National Water Research Institute (NWRI), SARFPA, Santa Ana Watershed Project Authority, and the OC Council of Governments.

Jim was instrumental in the creation and commission of the Groundwater Replenishment System, helped the OC San move to secondary treatment, led the Board to adoption of a resolution to accept Urban Runoff; helped the OC San transfer 176 miles of local sewer pipes in unincorporated areas of Orange County to the East Orange County Water District and so much more.

These are a few examples of how his extreme dedication, leadership, guidance, and commitment to this agency have led us to where we are today.

*Submitted by Dave Shawver*

*4/7/2023*



RESOLUTION NO. OCSD 08-08

A RESOLUTION OF THE BOARD OF DIRECTORS OF ORANGE COUNTY SANITATION DISTRICT ESTABLISHING A POLICY FOR NAMING FACILITIES AND THE PLACEMENT OF MONUMENTS AND OTHER MEMORIALS

\*\*\*\*\*

WHEREAS, the Orange County Sanitation District wishes to recognize individuals that have provided meaningful and important service to the Sanitation District;

WHEREAS, the District recognizes the need for guidance in the naming of facilities and placing of monuments and other memorials;

NOW THEREFORE, the Board of Directors of the Orange County Sanitation District

DOES HEREBY RESOLVE, DETERMINE AND ORDER:

Section 1: The naming of District facilities or the placement of monuments and other memorials will be a rare event designed to honor an individual who has made distinct and significant contributions to the District.

Section 2: To be recognized by the District, the individual must have demonstrated or performed the following:

- Have a long standing affiliation with and made an exceptional contribution to, the Orange County Sanitation District
- Significantly enhanced the quality of operations and/or leadership directly contributing to the well-being of the District and the people served by OCSD

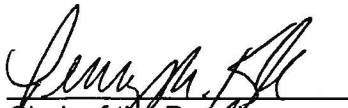
Section 3: By a majority vote of the Steering Committee, an individual may be recognized by the naming of a component, building, support facility, or through the placement of a plaque, marker, or other memorial.

Section 4: Only new or unnamed facilities will be named in honor of an individual.

PASSED AND ADOPTED at a regular meeting held June 25, 2008.

  
Board Chair

ATTEST:

  
Clerk of the Board

ORANGE COUNTY SANITATION DISTRICT

HONOR WALK NOMINEE FORM

Please complete this form & return it to the Clerk of the Board **NO LATER THAN April 26, 2023**

Name of nominee Greg Sebourn

Relationship to OC San Former Board Chairman

On a separate sheet, please describe:

- The length and nature of the nominee’s relationship to OC San ;
- How he or she has enhanced the quality of operations and/or leadership; and
- How the nominee has made an exceptional contribution to OC San or people served by OC San.

As reference, please use the attached resolution adopted by the Board of Directors establishing the program and leadership competencies.

**Nominees must be past Board Member.**

Name of requestor Chad Wanke

Phone/email address \_\_\_\_\_

Department Head approval\* \_\_\_\_\_ Date \_\_\_\_\_

General Manager approval\* \_\_\_\_\_ Date \_\_\_\_\_

Steering Committee approval                     Yes                    No                    Date                    

\*Required for employee nominations only.

RESOLUTION NO. OCSD 18-21

A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE ORANGE COUNTY SANITATION DISTRICT  
COMMENDING GREGORY C. SEBOURN FOR HIS  
CONTRIBUTIONS AND DEDICATION TO PUBLIC  
SERVICE AS CHAIRMAN OF THE ORANGE COUNTY  
SANITATION DISTRICT'S BOARD OF DIRECTORS

WHEREAS, Gregory C. Sebourn is completing his tenure as Chairman of the Orange County Sanitation District (OCSD) Board of Directors, having served from November 2016 through December 2018; and

WHEREAS, he has provided leadership and vision to the OCSD Administration Committee, Steering Committee, Legislative and Public Affairs Committee, Operations Committee, Groundwater Replenishment System Joint Steering Committee, Headquarters Complex Ad Hoc Committee and OCSD/Santa Ana Watershed Project Authority Joint Policy Committee; and

WHEREAS, with his leadership and guidance, secured first time ever support of National Pollutant Discharge Elimination System (NPDES) permit term extension legislation by congressional delegation member Representative Alan Lowenthal, leading to preparations for bill introduction; and

WHEREAS, in November 2016, OCSD and Orange County Water District (OCWD) committed to the Groundwater Replenishment System Final Expansion, a project that will increase capacity ultimately producing 130 million gallons per day of purified water, enough water to meet the needs of one million people; and

WHEREAS, with his leadership, OCSD received \$1.325 million grant through the U.S. Bureau of Reclamation. The grant will be used for the final expansion of the Groundwater Replenishment System Effluent Reuse Project (P2-122); and

WHEREAS, under his leadership OCSD and OCWD co-sponsored AB 2022 (Gordon) which allows for the bottling of advanced purified drinking water to support educational outreach efforts. With the passing of AB 2022, OCSD and OCWD have taken the bottled water on the road attending community events, celebrations and conferences allowing community members, for the first time ever, to taste test the ultra-purified wastewater; and

WHEREAS, Greg Sebourn guided the Board of Directors on prudent financial decisions leading to OCSD maintaining its AAA bond rating, eliminating OCSD's unfunded actuarial accrued pension liability (UAAL), effectively saving OCSD and its ratepayers millions in future payments and taking on no new debt while maintaining over \$10 billion of regional assets; and

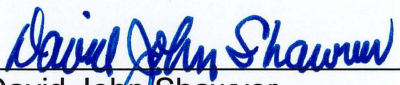
WHEREAS, in January 2018, the GWRS reached it's 10-year Anniversary setting a Guinness World Records™ title for the most wastewater recycled to drinking water in 24 hours; and

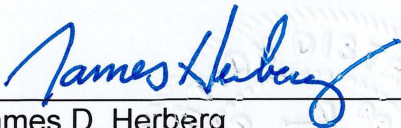
WHEREAS, Greg Sebourn has demonstrated his determination, vision and leadership to OCSD and its ratepayers through the commitment of his time, professional dignity, and devotion to the residents and businesses of Orange County.

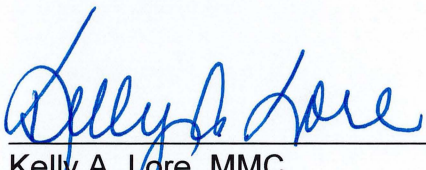
NOW, THEREFORE, the Board of Directors of the Orange County Sanitation District DOES HEREBY RESOLVE:

That the Directors and staff of the Orange County Sanitation District express to Greg Sebourn their sincere appreciation for his outstanding public service to the citizens of Orange County, and his meritorious efforts on behalf of OCSD and its mission of protecting public health and the environment by providing effective wastewater collection, treatment, and recycling.

PASSED AND ADOPTED by unanimous acclamation at the regular meeting of said Board held on December 19, 2018.

  
\_\_\_\_\_  
David John Shawver  
Board Chairman

  
\_\_\_\_\_  
James D. Herberg  
General Manager

  
\_\_\_\_\_  
Kelly A. Lore, MMC  
Clerk of the Board







# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

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**File #:** 2023-2982

**Agenda Date:** 5/24/2023

**Agenda Item No:** 7.

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**FROM:** Robert Thompson, General Manager  
Originator: Wally Ritchie, Director of Finance

**SUBJECT:**

**PROPOSED ORDINANCE NO. OC SAN-58A AMENDING ORDINANCE NO. OC SAN-58 TO CORRECT AN ERROR IN THE TABLE OF SECTION 2.03(B)(1)**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Motion to read Ordinance No. OC SAN-58A by title only and waive first reading of said entire Ordinance;
- B. Introduce Ordinance No. OC SAN-58A, entitled: "An Ordinance of the Board of Directors of Orange County Sanitation District, Amending Ordinance No. OC SAN-58 to correct an error in the table of Section 2.03(B)(1)";
- C. Set June 28, 2023 as the date for the second reading of Ordinance No. OC SAN-58A"; and
- D. Direct the Clerk of the Board to publish summaries of the Ordinance as required by law.

**BACKGROUND**

The Orange County Sanitation District's (OC San) recently adopted Ordinance No. OC SAN-58, a new five-year sewer fee rate schedule which provides for equitable and proportionate distribution for the cost of service of operating OC San's wastewater system. In December 2022, HDR Engineering, Inc. issued its "Final Wastewater Rates, Fees, and Charges Study" ("HDR Report"). OC San's Board of Directors received the HDR Report on December 15, 2022. The report includes a section on Exemptions, Rebates, Refunds and Reduced Charges. During staff preparation for rebate notifications, a clerical error was discovered in the report table for a reduced charge. This table was included in the adopted Ordinance No. OC SAN-58 and needs to be corrected.

**RELEVANT STANDARDS**

- Stable rates, no large unforeseen rate increases

**PROBLEM**

After the adoption of Ordinance No. OC SAN-58 a minor error was found in Section 2.03(B)(1) relating to rebates.

**PROPOSED SOLUTION**

Adopt Ordinance No. OC SAN-58A to amend and correct the error in Ordinance No. OC SAN-58.

**TIMING CONCERNS**

Ordinance No. OC SAN-58 takes effect on July 1, 2023.

**RAMIFICATIONS OF NOT TAKING ACTION**

Staff cannot properly process rebate claims until the clerical error is corrected.

**PRIOR COMMITTEE/BOARD ACTIONS**

March 2023 - Second reading and adoption of Ordinance No. OC SAN-58.

February 2023 - Introduced Ordinance No. OC SAN-58.

December 2022 - Received and filed the Orange County Sanitation District's 2022 Wastewater Rates, Fees, and Charges Study completed by HDR Engineering, Inc.

**ADDITIONAL INFORMATION**

N/A

**CEQA**

N/A

**FINANCIAL CONSIDERATIONS**

This request complies with authority levels of OC San's Purchasing Ordinance. This item has been budgeted.

**ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Proposed Ordinance No. OC SAN-58A
- Ordinance No. OC SAN-58

ORDINANCE NO.OC SAN-58A

AN ORDINANCE OF THE BOARD OF DIRECTORS OF ORANGE COUNTY SANITATION DISTRICT, AMENDING ORDINANCE NO. OC SAN-58 TO CORRECT AN ERROR IN THE TABLE OF SECTION 2.03(B)(1).

WHEREAS, Ordinance No. OC SAN-58, adopted Regional Sewer Service Charges and imposed fees and other charges for services and facilities furnished by the Orange County Sanitation District (OC San) in connection with OC San's sewage collection, treatment, disposal, and reuse system; and

WHEREAS, the Board wishes to amend Ordinance No. OC SAN-58 to correct a clerical error in Exhibit "A" discovered after the adoption of said Ordinance.

NOW, THEREFORE, the Board of Directors of the Orange County Sanitation District does hereby ORDAIN:

Section 1: Section 2.03(B)(1) of Ordinance No. OC SAN-58 is hereby amended with the corrected table in Exhibit "A".

Section 2: If any provision of this Ordinance is adjudged by a Court of proper jurisdiction to be invalid, or unenforceable, it is the intention of the governing body adopting this Ordinance, that all other provisions shall be valid and enforceable.

Section 4: This Ordinance shall be effective thirty (30) days after adoption.

Section 5: The Clerk of the Board shall Certify to the adoption of this Ordinance, and shall cause a summary to be published in a newspaper of general circulation as required by law.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Orange County Sanitation District held on June 28<sup>th</sup>, 2023.

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Chad P. Wanke  
Board Chairman



ATTEST:

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Kelly A. Lore, MMC  
Clerk of the Board

---

Bradley R. Hogin, General Counsel  
Orange County Sanitation District



Exhibit "A"

Section 2.03. Exemptions, Rebates, Refunds and Reduced Charges

A. Exemptions. It is the intent of OC San that the legal owner(s) of parcels of real property, otherwise subject to the levy and payment of the Sewer Service Charges, as prescribed herein, be relieved, in whole or in part, from the payment of said charges, in certain circumstances and under conditions prescribed herein, and be entitled to either a low-water rebate, reduced charge, or a refund with respect to charges paid, as more specifically set forth in Subparagraphs 2.03B and 2.03C below, provided an inequity is established or a billing error is proven, as specified in Subparagraphs 2.03B or 2.03C.

B. Application for Low-Water or Reduced Charge.

(1) A "low-water rebate" is based on the ratio of the annual flow to the assumed discharge for a parcel.

Customer's Annual Flow Divided by Assumed Flow	Customer Percent Reduction
90% or Greater	0%
70% to 89%	20%
50% to 69%	40%
30% to <del>39%</del> 49%	60%
29% or Less	80%

ORDINANCE NO. OC SAN-58

AN ORDINANCE OF THE BOARD OF DIRECTORS OF ORANGE COUNTY SANITATION DISTRICT ADOPTING REGIONAL SEWER SERVICE CHARGES AND REPEALING ORDINANCE NO. OCSD-49

WHEREAS, Health & Safety Code Section 5471 authorizes the Orange County Sanitation District's ("OC San") Board of Directors to impose fees and other charges for services and facilities furnished by OC San in connection with OC San's sewage collection, treatment, disposal, and reuse system; and

WHEREAS, OC San imposes annual sewer service charges on residential and commercial users. OC San uses revenue from these charges to operate, maintain, replace, and improve OC San's existing facilities. The current service charges are set forth in Ordinance No. OCSD-49;

WHEREAS, OC San recently retained HDR Engineering, Inc. to evaluate OC San's projected revenue needs and recommend rates for the five-year period of July 1, 2023 to June 30, 2028-. In December of 2022, HDR Engineering, Inc. issued its "Final Wastewater Rates, Fees, and Charges Study" ("HDR Report") OC San's Board of Directors received the HDR Report on December 15, 2022, and the HDR Report is on file with OC San; and

WHEREAS, the recommendations set forth in the HDR Report are based in part on OC San's 2017 Facilities Master Plan ("Master Plan"). The Master Plan identified the capital improvement projects that will be needed over the next 20 years, and estimated the cost of each project. OC San's Board of Directors approved the Master Plan on December 20, 2017; and

WHEREAS, pursuant to Article XIID, section 6, of the California Constitution, OC San mailed notice of a public hearing on the proposed sewer service charges to the record owner of each parcel subject to the proposed charges. The notice, which set forth the date, time, and location of the public hearing, as well as the charges, fees, and rates proposed for imposition, was mailed no less than 45 days prior to the public hearing; and

WHEREAS, pursuant to Health and Safety Code sections 4766 and 5473, the Board of Directors may elect to have the proposed regional sewer service charges collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes; and

WHEREAS, pursuant to Health and Safety Code section 5473.1, on March 8, 2023, notice of a public hearing regarding the proposed sewer service charges and the election to have such charges collected on the tax roll was published in the Orange County Register, a newspaper of general circulation within OC San published in the county where OC San is located. The notice set forth the date, time and location of the hearing; and

WHEREAS, on Wednesday, March 22, 2023 at 6:00 P.M., in OC San's Boardroom on the first floor of its Administration Building located at 10844 Ellis Avenue, Fountain Valley, California, OC San held a properly noticed public hearing in order to receive and

consider comments, including objections, concerning the proposed regional sewer service charges and the election to have such charges collected on the tax roll; and

WHEREAS, the Board of Directors has carefully reviewed the HDR Report and considered oral and written comments from the public, Board Members, OC San staff, and OC San consultants made at and prior to the March 22, 2023 public hearing;

NOW, THEREFORE, the Board of Directors of the Orange County Sanitation District does hereby ORDAIN:

SECTION I. Adopt Regional Sewer Service Charges

TABLE OF CONTENTS

ARTICLE I: FINDINGS

Section 1.01 Findings

ARTICLE II: SEWER SERVICE CHARGES

Section 2.01. Purpose and Scope

Section 2.02. Annual Sewer Service Charge

Section 2.03. Exemptions, Rebates, Refunds and  
Reduced Charges

A. Exemptions

B. Application for Water Efficiency Rebate/  
Reduced Charge

C. Application for Refund

D. Limitation Period

E. Determination

F. Administrative Fee

G. Duration of Reduced Charge

H. Penalty

Section 2.04. Annual Charge Based on Fiscal Year

Section 2.05. Method of Collection

Section 2.06. Credit for Industrial Permittees

Section 2.07. Open-Air Facilities

Table A Annual Sewer Service Charges for  
Residential Users

Table B Annual Sewer Service Charges  
Property Use Classifications

ARTICLE III: MISCELLANEOUS

Section 3.01. Application of Ordinance

Section 3.02. Exceptions

Section 3.03. Out of Area Sewer Service Agreements

## ARTICLE I

### FINDINGS

Section 1.01. Findings. Based upon substantial evidence presented to the Board of Directors, the Board of Directors of District hereby finds that:

A. The revenues collected pursuant to this Ordinance shall be used to finance the improvements, programs, and staffing needed to operate, maintain, replace, and improve OC San's existing facilities, fund necessary reserves, and retire debt incurred to finance such activities. The revenues shall be used for no other purpose.

B. The revenues collected pursuant to this Ordinance are reasonably related to, and will not exceed, the cost of the improvements, programs, and staffing needed to operate, maintain, replace, and improve OC San's existing facilities, fund necessary reserves, and retire debt incurred to finance such activities over a reasonable period of time.

C. The amount charged to each parcel pursuant to this Ordinance does not exceed the proportional cost of the service attributable to the parcel.

D. The financial requirements of OC San as reflected in the Master Plan and other documents, are based on current, reliable information, and further, that data relating to population projections, wastewater flow, and capital facility needs are expected to be realized in each year as described in the reports.

E. The successful operation, maintenance, replacement, and improvement of OC San's existing facilities is necessary to protect public health, safety, and the environment.

F. The Sewer Service Charges adopted herein will not result in an expansion of facilities to accommodate growth within or outside the existing service area. The adoption of these Sewer Service Charges will not result in any specific project, nor result in a direct physical change in the environment.

G. This Ordinance is statutorily exempt from review under the California Environmental Quality Act pursuant to Section 21080(b)(8) of the Public Resources Code, because the Sewer Service Charges will be used (i) for operating expenses, (ii) for the purchase or lease of supplies, equipment, or materials, (iii) to meet financial reserve needs and requirements, and (iv) to obtain funds for capital projects necessary to maintain service within existing service areas.

H. That all fees and charges established herein have been approved by OC San's Board of Directors at a noticed public meeting, all in accordance with applicable provisions of law.

ARTICLE II

SEWER SERVICE CHARGES

Section 2.01. Purpose and Scope. The purpose of this Ordinance is to establish Sewer Service Charges to be paid by property owners for the services and facilities furnished by OC San. The revenues collected pursuant to this Ordinance shall be used to finance the improvements, programs, and staffing needed to operate, maintain, replace, and improve OC San’s existing facilities, fund necessary reserves, and retire debt incurred to finance such activities.

Section 2.02. Annual Sewer Service Charge.  
Commencing with the effective date of this Ordinance, the owner of each parcel of real property located within OC San’s service area which is improved with structures designed for residential, commercial, or industrial use and which, at the request of the owner or the owner’s predecessor-in-interest, is connected to OC San’s sewerage system, shall pay an annual Sewer Service Charge based on the respective class of users, in the sum or sums, as set forth in Tables A and B of this Ordinance, below, and incorporated by reference herein. The annual Sewer Service Charges for residential users are set forth in Table A. The applicable single family residential rate shown in Table A is multiplied by the applicable percentage figure shown on Table B with respect to the particular use classification to arrive at the annual Sewer Service Charge rate per 1,000 square feet or per unit. The annual Sewer Service Charges are dependent upon the respective classifications of property use, determined by reference to Table B.

Section 2.03. Exemptions, Rebates, Refunds and Reduced Charges

A. Exemptions. It is the intent of OC San that the legal owner(s) of parcels of real property, otherwise subject to the levy and payment of the Sewer Service Charges, as prescribed herein, be relieved, in whole or in part, from the payment of said charges, in certain circumstances and under conditions prescribed herein, and be entitled to either a low-water rebate, reduced charge, or a refund with respect to charges paid, as more specifically set forth in Subparagraphs 2.03B and 2.03C below, provided an inequity is established or a billing error is proven, as specified in Subparagraphs 2.03B or 2.03C.

B. Application for Low-Water or Reduced Charge.

(1) A "low-water rebate" is based on the ratio of the annual flow to the assumed discharge for a parcel.

Customer's Annual Flow Divided by Assumed Flow	Customer Percent Reduction
90% or Greater	0%
70% to 89%	20%
50% to 69%	40%
30% to 39%	60%
29% or Less	80%

- (2) A “reduced charge” is a lower sewer service charge imposed for the current fiscal year or a future fiscal year based on water consumption as provided herein.
- (3) Any property owner, or legally recognized authorized representative of the property owner, may apply to OC San for a low-water rebate or reduced charge by establishing that an inequity exists between the amount of the charge paid and the amount of wastewater discharged to OC San’s system. Proof satisfactory to the General Manager of OC San, or his/her designee, shall establish that either:
  - (a) The principal water use is agricultural or horticultural; or
  - (b) The property is devoted to any other use wherein the amount of wastewater discharged to OC San’s system is significantly less on a regular basis than the amount that would normally be expected to be discharged by the class of property in question.
- (4) Satisfactory proof shall include, but not be limited to, verifiable documentation showing actual water usage for each billing cycle during the entire period for which the rebate is sought.
- (5) The amount of any low-water rebate shall not reduce the charge payable by any property owner, whose property is connected to OC San’s system, to less than the single family residential charge shown on the applicable Table attached hereto.
- (5) Once a low-water rebate or reduced charge to a service charge is granted, additional rebates or reduced charges will not be granted in the same year unless the property was vacant for the entire year.

C. Application for Refund.

- (1) A "refund" is the difference between the original service charge paid by a property owner and the corrected service charge when the original charge was billed erroneously.
- (2) Any property owner, or legally recognized authorized representative of the property owner, may apply to OC San for a refund of Sewer Service Charges paid to OC San by establishing that the amount paid was pursuant to an error in the amount billed or the amount paid. The applicant for a refund must submit proof satisfactory to the General Manager of OC San, or his/her designee, that a billing error has been



made by OC San, or the County Tax Collector. Such proof shall include, but not be limited to, proof that:

- (a) The owner's parcel of property is not connected to OC San's system; or
- (b) The property has not been classified in the proper property use classification code; or
- (c) A clerical error has been made.

D. Limitations Period.

- (1) Applications for low-water rebates and reduced charges shall be deemed a claim and be governed by the provisions of California Government Code Sections 935 et seq. Low-water rebates are only available for the most recently ended fiscal year and shall be presented to OC San as provided in the Government Tort Claims Act, Government Code Sections 915 et seq., Reduced charge claims are available for the current fiscal year or future fiscal years. The claim for low-water rebate or reduced charge may only be made with respect to amounts paid or payable under such property tax bill. A claim for low-water rebate or reduced charge is not deemed a claim for refund, and California Revenue & Taxation Code Sections 5096 and 5097 are not applicable.
- (2) Applications for refunds shall be deemed to be governed by the provisions of California Revenue & Taxation Code Sections 5096 and 5097.
- (3) Consistent with Section 2.04, a "year" for purposes of this Section 2.03 commences on July 1 for all annual Sewer Service Charges, based on OC San's fiscal year.

E. Determination. All applications for low-water rebates, reduced charges or refunds of the Sewer Service Charge will be determined by the General Manager of OC San, or his/her designee, who, based on the submitted proof, may grant a full or partial rebate, reduced charge or refund.

F. Administrative Fee. At the time of filing the application for a low-water rebate, reduced charge or refund, the property owner shall pay OC San an administrative fee for the processing of such application. The amount of the fee shall be equal to the total of all fees and charges imposed on OC San by any other public entity, such as the Orange County Tax Collector, the Orange County Auditor, or the Orange County Recorder, in connection with the rebate or refund.

G. Duration of Reduced Charge. A reduced charge will remain in effect for one fiscal year, subject to the provisions below:

- (1) Standard 5- Year Lock-In. Upon submission of three consecutive fiscal years of verifiable water data that resulted in a rebate or reduced charge, OC San shall determine the average annual percentage reduction based upon those three years. If qualified, OC San will implement a locked-in reduced charge for a standard period of five years.
  - (2) Renewals. At the end of the lock-in period, the owner of the parcel may apply for a renewal by submitting verifiable water consumption data for the previous three years.
  - (3) Failure to Submit. Failure to submit the required water consumption data with lock-in renewal application is equivalent to making an election to opt-out pursuant to Section 2.03, Article II, G4.
  - (4) Lock-In Opt-Out. At the time the owner of a parcel qualifies for a five-year lock-in pursuant to Section 2.03, Article II, G1, whether as a first time application for rebate or reduced charge, as a renewal pursuant to Section 2.03, Article II, G2, or upon three annual submittals of the most recent fiscal year of verifiable water consumption records, the owner may elect in writing to opt-out of the lock-in and instead elect year to year renewals and submit verifiable water consumption records annually.
  - (5) Significant Change in Business Operation-Demonstration. If the owner of a locked-in parcel is able to demonstrate that a significant change in business operation has occurred, verifiable water consumption may be submitted for the most recently ended fiscal year to be used in a recalculation of the reduction with a duration of one year until three consecutive fiscal years of water consumption have been submitted and then the standard lock-in will apply.
  - (6) Audit. If OC San becomes aware that a lock-in parcel has had a significant change in business operation that increases water consumption, OC San may request current verifiable water consumption records for the most recently ended fiscal year and re-establish the reduced charge prior to the expiration of the five-year period.
- H. Penalty. The falsification of an application for a low-water rebate or reduced charge is a misdemeanor, punishable as provided by the law. In addition, any person who falsifies an application for a water efficiency rebate or reduced charge shall be civilly liable to OC San in the maximum sum provided by law.

Section 2.04. Annual Charge Based on Fiscal Year. The Sewer Service Charges established by this Ordinance shall be effective as of July 1 of each year, as set forth in Tables A and B, attached hereto, for OC San's fiscal year, and shall remain in effect until such time as the rates adopted herein are changed by OC San Ordinance. There shall be no proration of such charges in any fiscal year.

Section 2.05. Method of Collection.

A. Pursuant to the authority granted by California Health & Safety Code Sections 4766 and 5473, and except as otherwise provided in Subparagraph 2.05B below, all Sewer Service Charges established herein shall be collected on the County Tax Roll in the same manner, by the same persons, and at the same time as, together with, and not separately from, its general taxes. The County Treasurer-Tax Collector is authorized and hereby ordered to make said collections in accordance with the terms and conditions of agreements between the County of Orange and OC San.

B. In the event OC San determines that, due to billing or payment error, or to inequity in the amount billed, a property owner (or person who paid the tax) has underpaid annual Sewer Service Charges payable to OC San, OC San, within four (4) years after the date of mailing of the tax bill, may:

- (1) collect the amount of any deficiency directly on the County Tax Roll;
- (2) off-set the amount of any deficiency against any amounts that OC San determines is owing, by OC San, to the property owner, as a rebate or refund under this Ordinance; or
- (3) submit, directly to the property owner, a bill for the amount of any deficiency, which shall be due and payable within thirty (30) days of the invoice date and which, if not paid, shall become a lien on said property.

Section 2.06. Credit for Industrial Permittees. A credit shall be allowed to all dischargers permitted pursuant to Article 3 of District Ordinance No. OCSD-53, as amended, in an amount equal to the annual Sewer Service Charge established by Section 2.02 of this Ordinance.

Section 2.07. Open-Air Facilities. Sewer Service Charges for open-air facilities will be based on annual attendance records. Open-Air facilities will pay a rate per million gallons based upon the related sewage flow, Biochemical Oxygen Demand ("BOD") and Suspended Solids ("SS") charge for single family residences. The usage per attendee will be 15 gallons.

**TABLE A**

**ANNUAL SEWER SERVICE CHARGES**  
**RESIDENTIAL USERS**

FISCAL YEAR	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>
SFR*	\$358.00	\$371.00	\$384.00	\$397.00	\$411.00
MFR	\$250.60	\$259.70	\$268.80	\$277.90	\$287.70

SFR = SINGLE FAMILY RESIDENTIAL

MFR = MULTI FAMILY RESIDENTIAL

\* The SFR fee is the minimum sewer service charge any user must pay.

All properties located within Revenue Area No. 14 pay no annual sewer service charges. OC San costs relating to providing service to these properties are billed by OC San directly to the Irvine Ranch Water District, the local agency providing the local sewer service.

**TABLE B**  
**ANNUAL SEWER SERVICE CHARGES**

PROPERTY USE CLASSIFICATIONS

Assessor Use Code or Unit	Description	Percentage of SFR Per 1,000 SF
1	Vacant Land Parcel	0%
5	Common Area Parcel	0%
6	"Hold" Parcel	0%
8	Equivalent to Vacant	0%
121	Parcel of Minimal or No Value	0%
122	Subsurface Parcels	0%
124	Oil/Mineral Rights	0%
125	Mineral Rights Equipment	0%
126	Vacant Comm. Area-IMP Alloc.	0%
201	Homeowners Exemption Add'l.	0%
666	Unassigned Vacant	0%
777	Septic Tank Property	0%
112	Steel Building	7%
113	Mini-Warehouse	7%
58	Nurseries (Plants)	10%
100	Drive-In Theater	10%
44	Lumber/Constr. Material Yard	17%
71	Parking Garage	17%
72	Paved Parking Lot	17%
110	Warehouse – Single Tenant	17%
111	Warehouse – Multi Tenant	17%
115	Recreational Vehicle Storage	17%
116	Truck Terminal	17%
33	Church Buildings	20%
94	Department Store	23%
95	Discount Store	23%
96	Unattached Single Store	23%
97	Strip Store	23%
74	Recreational Vehicle Park	27%
36	Financial Buildings	27%
40	Health Club	29%
68	High Rise Office	30%
225	United States Post Office	35%
21	Automobile Dealership	41%
22	Auto Repair Shop	41%
23	Automotive Service	41%
24	Used Car Lot	41%
39	Golf Course	41%
57	Motorcycle/Small Vehicle Building	41%
83	Automotive Service Station	41%

**TABLE B (CONTINUED)**  
**ANNUAL SEWER SERVICE CHARGES**

PROPERTY USE CLASSIFICATIONS

Assessor Use Code or Unit	Description	Percentage of SFR Per 1,000 SF
84	Marine Service Station	41%
86	Combin.-Service Station/Convenience	41%
65	Single Office Bldgs. to 3 Stories	41%
66	Small Office Center	41%
67	Office Complex	41%
69	Converted Residence to Office	41%
7	Mobile Home	50%
55	Mobile Home Park	50%
107	Light Industrial – Single Tenant	50%
108	Light Industrial – Multi Tenant	50%
109	Research and Development	50%
114	Industrial Park	50%
37	Fraternal Buildings	51%
101	Unattached Theater	51%
26	Airport and Related Buildings	53%
45	Marinas	53%
88	Low Flow Center	53%
3	Two or More Residences	70%
10	Duplex Only	70%
11	Triplex Only	70%
12	04-Units Only	70%
13	5 to 16 Units	70%
14	17 to 25 Units	70%
15	26 to 40 Units Only	70%
16	41-99 Units Only	70%
17	100 or More Units	70%
18	Developed with a Mix of Forms	70%
63	Low Rise Retirement Building	70%
64	High Rise Retirement Building	70%
56	Low Demand Hotel/Motel	70%
81	Pre-Schools, Nursery or Care	82%
82	Private Schools	82%
98	Store with Offices or Living Quarter	82%
99	Store with Office Upstairs	82%
118	Governmental Use Vacant/Develop.	82%
19	SFR with 1 or 2 rental units	85%
34	Dormitory	97%
42	Hospital	97%
43	High Demand Hotel/Motel	97%
0	Conversion-C/1, Rural PC	100%
2	One Residence	100%

**TABLE B (CONTINUED)**  
**ANNUAL SEWER SERVICE CHARGES**

PROPERTY USE CLASSIFICATIONS

Assessor Use Code or Unit	Description	Percentage of SFR Per 1,000 SF
4	Miscellaneous Improvement	100%
85	Comb. Serv. Stn./Restaurant	100%
103	Chemical Tank and Bulk Storage	100%
104	Food Processing Plant	100%
105	Cold Storage Plant	100%
106	Factory	100%
119	Public Utility	100%
120	Water Mutual or Company	100%
888	Conversion-Composite Prop.	100%
32	Cemetery & Related Buildings	101%
38	Funeral Home	101%
60	Nursing Home	102%
61	Convalescent Hospitals	102%
62	Converted Res. Used as Nursing	102%
28	Bowling Alleys	112%
92	Skating Rinks	112%
50	Single Medical Bldgs. to 3 Stories	124%
51	Small Medical Center	124%
52	Medical Center Complex	124%
53	High Rise Medical	124%
54	Converted Residence to Medical	124%
89	Average Flow Center	139%
20	Amusement Parks	144%
35	Entertainment Center	144%
73	Recreation	144%
30	Coin Operated Car Wash	151%
47	Supermarket	151%
48	Convenience Market	151%
224	Nightclub	200%
90	High Flow Center	226%
76	Restaurant – Low Demand	300%
77	Restaurant – Coffee Shop	600%
78	Restaurant – Dinner House	600%
79	Restaurant – Conversion from SF	600%
29	Conventional Car Wash	796%
223	Laundromat	1,800%

NOTE: Multiply the Table A Single Family Residential Rate by the percentage figure above in order to determine the rate per 1,000 square feet for the commercial or industrial user.

## ARTICLE III

### MISCELLANEOUS

Section 3.01. Application of Ordinance. The provisions of this Ordinance shall be in addition to (i) the provisions of OC San's Wastewater Discharge Regulations for use of District's sewage facilities, including provisions for payment of charges or fees related thereto; (ii) District's ordinance establishing Fees Concerning Annexations of Territory to OC San; (iii) District's ordinance establishing Local Sewer Service Fees, where applicable, and (iii) any other District Ordinances and Resolutions not in conflict herewith.

Section 3.02. Exceptions. The provisions of this Ordinance shall apply to all owners of properties within OC San, including those properties otherwise deemed exempt from payment of taxes or assessments by provisions of the State Constitution or statute, including properties owned by other public agencies or tax-exempt organizations, except as expressly provided herein.

Section 3.03. Out of Area Sewer Service Agreements. Pursuant to Health and Safety Code Section 4742.1, OC San is empowered to contract for the handling, treatment or disposal by OC San of sewage or industrial wastes originating within OC San or county or within areas outside of OC San or county when, in the judgment of OC San Board, it is for the best interest of OC San to do so. In exercise of such power, OC San may, from time to time, enter into Out-of-Area Sewer Service Agreements. These Out-of-Area Sewer Service Agreements will establish fees and charges relative to the services provided by OC San for each individual agreement.

The Board of Directors of the Orange County Sanitation District does further hereby ORDAIN:

SECTION II. Severability. If any provision of this Ordinance, or the application to any person or circumstances is held invalid by order of Court, the remainder of the Ordinance, or the application of such provision to other persons or other circumstances, shall not be affected.

SECTION III. Effective Date. This Ordinance shall take effect July 1, 2023.

SECTION IV. Repeal. Ordinance No. OCSD-49 is repealed in its entirety effective June 30, 2023.

SECTION V. Certification and Publication. The Clerk of the Board shall certify to the adoption of this Ordinance and shall cause a summary to be published in a newspaper of general circulation within 15 days as required by law.



PASSED AND ADOPTED by a vote of not less than two-thirds of the Board of Directors of the Orange County Sanitation District at a Regular Meeting held on March 22, 2023.

*Chad Wanke*

Chad Wanke (Mar 23, 2023 11:54 PDT)

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Chad P. Wanke  
Chairman, Board of Directors  
Orange County Sanitation District

ATTEST:

*Kelly Lore*

Kelly Lore (Mar 23, 2023 11:56 PDT)

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Kelly A. Lore, MMC  
Clerk of the Board  
Orange County Sanitation District

APPROVED AS TO FORM:

*Bradley R. Hogin*

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Bradley R. Hogin  
General Counsel  
Orange County Sanitation District

STATE OF CALIFORNIA )  
 )SS.  
COUNTY OF ORANGE )

I, Kelly A. Lore, Clerk of the Board of Directors of Orange County Sanitation District, do hereby certify that the above and foregoing Ordinance No. OC SAN-58 was introduced for first reading at a regular meeting of said Board on the 22nd day of February 2023, and passed and adopted by a vote of not less than two-thirds at a regular meeting of said Board on the 22nd day of March 2023, by the following vote, to wit:

**AYES:** Brad Avery, Pat Burns, Doug Chaffee, Jon Dumitru, Rose Espinoza, Stephen Faessel, Ryan Gallagher, Glenn Grandis, Phil Hawkins, Steve Jones, Christine Marick, Scott Minikus, Jordan Nefulda, Andrew Nguyen, Robert Ooten, Robbie Pitts, David Shawver, Susan Sonne, Schelly Sustarsic, Chad Wanke, John Withers and Debbie Baker (Alternate)

**NOES:** Johnathan Ryan Hernandez

**ABSENT:** Farrah Khan and Bruce Whitaker

**ABSTENTIONS:** None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Orange County Sanitation District this 22nd day of March, 2023.

*Kelly Lore*

[Kelly Lore \(Mar 23, 2023 11:56 PDT\)](#)

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Kelly A. Lore, MMC  
Clerk of the Board  
Orange County Sanitation District












# OC SAN-58

Final Audit Report

2023-03-23

Created:	2023-03-23
By:	Kelly Lore (klore@ocsan.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA2uPI1haZchc1et8EAg-yOlbNGKhIShI7

## "OC SAN-58" History

-  Document created by Kelly Lore (klore@ocsan.gov)  
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2023-03-23 - 4:38:21 PM GMT
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2023-03-23 - 4:51:11 PM GMT- IP address: 104.28.85.119
-  Document e-signed by Bradley Hogin (bhogin@wss-law.com)  
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2023-03-23 - 6:54:17 PM GMT- IP address: 146.70.173.100
-  Document e-signed by Chad Wanke (chad@chadwanke.com)  
Signature Date: 2023-03-23 - 6:54:19 PM GMT - Time Source: server- IP address: 146.70.173.100
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-  Document e-signed by Kelly Lore (klore@ocsan.gov)  
Signature Date: 2023-03-23 - 6:56:06 PM GMT - Time Source: server- IP address: 47.176.92.30

✔ Agreement completed.

2023-03-23 - 6:56:06 PM GMT

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# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

**File #:** 2023-2998

**Agenda Date:** 5/24/2023

**Agenda Item No:** 8.

**FROM:** Robert Thompson, General Manager  
Originator: Mike Dorman, Director of Engineering

**SUBJECT:**

**FURNITURE, FIXTURES, AND EQUIPMENT PURCHASE UPDATED APPROVAL FOR HEADQUARTERS COMPLEX AT PLANT NO. 1, PROJECT NO. P1-128A**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Rescind approval of a Purchase Order Contract to GM Business Interiors (GMBI) for the purchase of furniture for the Headquarters Complex at Plant No. 1, Project No. P1-128A, utilizing the County of Orange Regional Cooperative Agreement No. RCA-017-22010154 for a total amount not to exceed \$3,907,183 including freight and sales tax and a contingency of \$39,072 (1%); and
- B. Approve a Purchase Order Contract to PeopleSpace, Inc. for the purchase of furniture for the Headquarters Complex at Plant No. 1, Project No. P1-128A, utilizing the cooperative contract with the County of Orange Regional Cooperative Agreement No. RCA-017-22010154, the National Cooperative Purchasing Alliance (NCPA) Agreement Nos. 07-43 and 07-84, and OMNIA Contract No. R191803 for a total amount not to exceed \$4,995,819 including freight and sales tax.

**BACKGROUND**

Orange County Sanitation District (OC San) is constructing a new headquarters building under Project No. P1-128A. The new headquarters will require furniture, fixtures, and equipment (FFE) that were intentionally not included in the primary construction contract and were planned as a separate, coordinated effort. The FFE includes items such as desks, chairs, and cabinets. The P1-128A design consultant, HDR Engineering, has assisted in the FFE design to ensure the items selected are compatible with the building design, create a cohesive aesthetic with the mass timber building, support the collaborative work environment OC San is trying to create, and meet quality standards for a long service life.

**RELEVANT STANDARDS**

- Ensure the public's money is wisely spent
- Provide a safe and collegial workplace
- Maintain positive employer-employee relations

## **PROBLEM**

The new headquarters building requires FFE to be functional. Staff will not be able to use the new building if FFE is not purchased.

## **PROPOSED SOLUTION**

Approve a purchase order contract for FFE for Headquarters Complex at Plant No. 1, Project No. P1-128A.

## **TIMING CONCERNS**

The FFE must be installed by December 2023 to maintain the project schedule and allow staff to occupy the new building.

## **RAMIFICATIONS OF NOT TAKING ACTION**

The FFE must be installed by December 2023 to maintain the project schedule and allow staff to occupy the new building.

## **PRIOR COMMITTEE/BOARD ACTIONS**

April 2023 - Approved a Purchase Order Contract to GM Business Interiors (GMBI) for the purchase of furniture, fixtures, and equipment for the Headquarters Complex at Plant No. 1, Project No. P1-128A, utilizing the County of Orange Regional Cooperative Agreement No. RCA-017-22010154 for a total amount not to exceed \$3,907,183 including freight and sales tax; and approved a contingency of \$39,072 (1%).

## **ADDITIONAL INFORMATION**

OC San requested proposals on December 28, 2022 from three different furniture dealers that currently have active cooperative agreements that OC San can utilize for this purchase in accordance with OC San's Purchasing Ordinance. All proposals were reviewed and evaluated and GMBI provided the most competitively priced proposal. OC San approved a Purchase Order Contract to GMBI under the County of Orange Regional Cooperative Agreement Number RCA-017-22010154 at the April 26, 2023 Board meeting.

After executing the contract, GMBI discovered a significant error in their pricing and was unable to stand by their proposal. OC San elected to re-open negotiations with all three dealers to provide their best and final pricing as well as cost-saving alternatives. PeopleSpace Inc. provided a high-quality and cost-competitive package with the most opportunity for cost savings. The revised proposal from PeopleSpace Inc. was \$4,995,819 based on the specified furniture. PeopleSpace Inc.'s cost saving proposal offers the possibility to reduce the cost to \$3.4 million with significant design changes involving color, finish, functionality, and workplace environment impacts. The amount listed in this Recommendation is the total without any cost savings factored in. The design team will coordinate with PeopleSpace Inc. to reduce the cost as much as possible without significantly reducing quality of the product or working environment.

The Cooperative Agreements being used were awarded using a competitive bid process comparable to OC San's and vetted by OC San's Purchasing Division. These costs are inclusive of freight and sales tax.

## **CEQA**

The Headquarters Complex project is included in the Addendum to the City of Fountain Valley "Fountain Valley Crossings Specific Plan" Program Environmental Impact Report, State Clearinghouse No. 2015101042.

## **FINANCIAL CONSIDERATIONS**

This project was budgeted (Adopted Budget, Fiscal Years 2022-2023 and 2023-2024, Section 8, Page 55, Headquarters Complex, Project No. P1-128). This item can be funded with existing budget, but funding for the audiovisual installation and remaining equipment, scheduled to go to the Operations Committee in July, is contingent on the project budget increase proposed in the Fiscal Year 2023-24 Capital Improvement Program budget update.

## **ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Presentation

AB:tk

## Furnishings, Fixtures, and Equipment Purchase Updated Approval

Headquarters Complex at Plant No. 1,  
Project No. P1-128A

*Presented by:*  
*Mike Dorman*  
*Director of*  
*Engineering*

*Steering*  
*Committee*  
*May 24, 2023*



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## Furnishings, Fixtures, and Equipment (FFE)

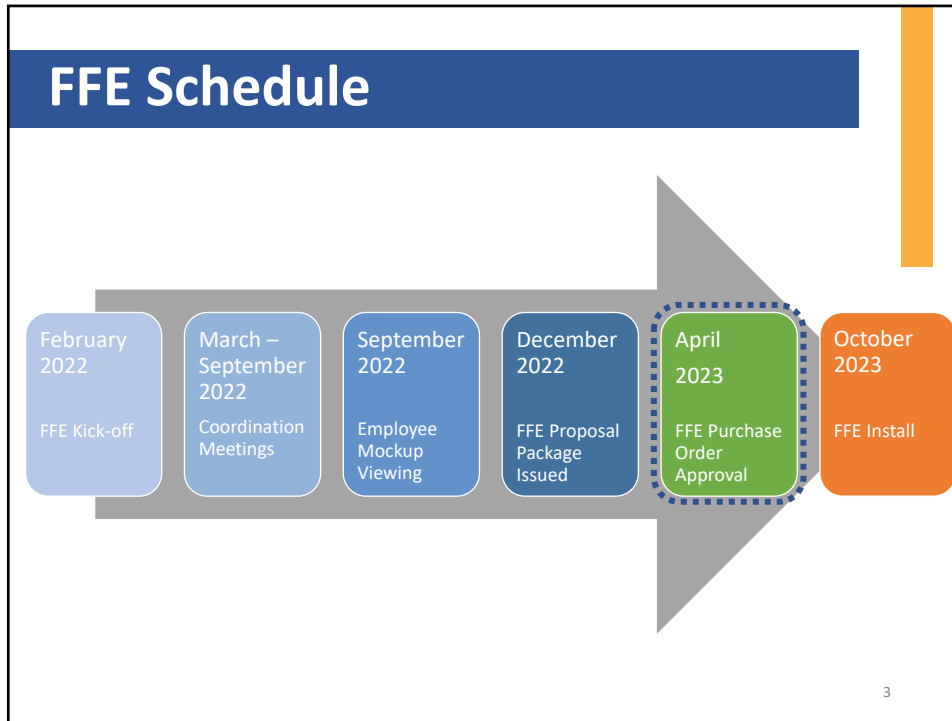
Interior and loose site furniture/equipment



2

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## April Proposal and Approval

<b>Budget</b>	<b>\$3,950,000</b>
<b><u>Dealer</u></b>	<b><u>Pricing</u></b>
GM Business Interiors (GMBI)	\$3,907,183
PeopleSpace, Inc.	\$4,995,818
Bluespace Interiors	\$5,020,274

- Evaluated quality of lowest bidder
- April Board approved purchase order contract to GMBI

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## Post Approval

- GMBI identified pricing error and could not hold their pricing
- Reopened negotiations for best and final with all dealers
- Requested inclusion of any potential cost saving options

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## Updated Proposals

Dealer	April Proposal	May Proposal (Best & Final Offer)	Cost Savings Proposal
PeopleSpace, Inc.	\$4,995,818	\$4,995,818	\$3,464,521
Bluespace Interiors	\$5,020,274	\$4,983,399	\$4,672,407
GMBI	\$3,907,183	\$5,050,788	-



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## Updated Proposals

Dealer	April Proposal	May Proposal (Best & Final Offer)	Cost Savings Proposal
PeopleSpace, Inc.	\$4,995,818	\$4,995,818	\$3,464,521
Bluespace Interiors	\$5,020,274	\$4,983,399	\$4,672,407
GMBI	\$3,907,183	\$5,050,788	-

PeopleSpace, Inc. provides good quality, cost competitive pricing, and most opportunity for cost savings.



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## Recommendation


Recommend to the Board of Directors to:

- A. Rescind approval of a Purchase Order Contract to GM Business Interiors (GMBI) for the purchase of furniture for the Headquarters Complex at Plant No. 1, Project No. P1-128A, utilizing the County of Orange Regional Cooperative Agreement No. RCA-017-22010154 for a total amount not to exceed \$3,907,183 including freight and sales tax and a contingency of \$39,072 (1%); and
- B. Approve a Purchase Order Contract to PeopleSpace, Inc. for the purchase of furniture for the Headquarters Complex at Plant No. 1, Project No. P1-128A, utilizing the cooperative contract with the County of Orange Regional Cooperative Agreement No. RCA-017-22010154, the National Cooperative Purchasing Alliance (NCPA) Agreement Nos. 07-43 and 07-84, and OMNIA Contract No. R191803 for a total amount not to exceed \$4,995,819 including freight and sales tax.

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**Questions**

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# STEERING COMMITTEE

## Agenda Report

Administration Building  
10844 Ellis Avenue  
Fountain Valley, CA 92708  
(714) 593-7433

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**File #:** 2023-2981

**Agenda Date:** 5/24/2023

**Agenda Item No:** CS-1

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**FROM:** Robert Thompson, General Manager

**SUBJECT:**

**CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(D)(1)**

RECOMMENDATION: Convene in Closed Session:

Number of Cases: 2

- A. 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; and
- B. Raul Palazuelos v. Orange County Sanitation District, a government entity; Richard Kwiecien, an individual; and Does 1 through 100, inclusive. Superior Court of California, County of Orange, Case No. 30-2021-01217839-CU-OE-CJC.

### BACKGROUND

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.

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.

### RELEVANT STANDARDS

- Government Code Sections 54956.8, 54956.9, 54957, or 54957.6, as noted

### ATTACHMENT

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Memoranda from General Counsel

# WOODRUFF

Woodruff & Smart  
A Professional Corporation

## MEMORANDUM

TO: Hon. Chair and Members of the Orange County Sanitation District Steering Committee

FROM: Bradley R. Hogin, Esq.  
General Counsel

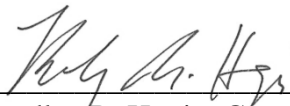
DATE: May 16, 2023

RE: Closed Session Item

---

The Steering Committee desires to hold a closed session on May 24, 2023 for the purpose of conferring with its legal counsel regarding existing litigation to which the District is a party. The title of the case is *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. The closed session will be held pursuant to the authority of California Government Code Section 54956.9(d)(1).

Respectfully submitted,

By  \_\_\_\_\_  
Bradley R. Hogin, General Counsel

# WOODRUFF

Woodruff & Smart  
A Professional Corporation

## MEMORANDUM

TO: Hon. Chair and Members of the Orange County Sanitation District Steering Committee

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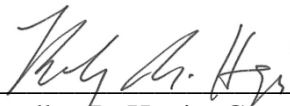
DATE: May 16, 2023

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The Steering Committee desires to hold a closed session May 24, 2023 for the purpose of conferring with its legal counsel regarding existing litigation to which the District is a party. The title of the case is *Raul Palazuelos v. Orange County Sanitation District; a government entity; Richard Kwiecien, an individual; and Does 1-100, inclusive*, Superior Court of California, County of Orange, Case No. 30-2021-01217839 The closed session will be held pursuant to the authority of California Government Code Section 54956.9(d)(1).

Respectfully submitted,

By  \_\_\_\_\_  
Bradley R. Hogin, General Counsel

## ORANGE COUNTY SANITATION DISTRICT COMMON ACRONYMS

<b>ACWA</b>	Association of California Water Agencies	<b>LOS</b>	Level Of Service	<b>RFP</b>	Request For Proposal
<b>APWA</b>	American Public Works Association	<b>MGD</b>	Million Gallons Per Day	<b>RWQCB</b>	Regional Water Quality Control Board
<b>AQMD</b>	Air Quality Management District	<b>MOU</b>	Memorandum of Understanding	<b>SARFPA</b>	Santa Ana River Flood Protection Agency
<b>ASCE</b>	American Society of Civil Engineers	<b>NACWA</b>	National Association of Clean Water Agencies	<b>SARI</b>	Santa Ana River Interceptor
<b>BOD</b>	Biochemical Oxygen Demand	<b>NEPA</b>	National Environmental Policy Act	<b>SARWQCB</b>	Santa Ana Regional Water Quality Control Board
<b>CARB</b>	California Air Resources Board	<b>NGOs</b>	Non-Governmental Organizations	<b>SAWPA</b>	Santa Ana Watershed Project Authority
<b>CASA</b>	California Association of Sanitation Agencies	<b>NPDES</b>	National Pollutant Discharge Elimination System	<b>SCADA</b>	Supervisory Control And Data Acquisition
<b>CCTV</b>	Closed Circuit Television	<b>NWRI</b>	National Water Research Institute	<b>SCAP</b>	Southern California Alliance of Publicly Owned Treatment Works
<b>CEQA</b>	California Environmental Quality Act	<b>O &amp; M</b>	Operations & Maintenance	<b>SCAQMD</b>	South Coast Air Quality Management District
<b>CIP</b>	Capital Improvement Program	<b>OCCOG</b>	Orange County Council of Governments	<b>SOCWA</b>	South Orange County Wastewater Authority
<b>CRWQCB</b>	California Regional Water Quality Control Board	<b>OCHCA</b>	Orange County Health Care Agency	<b>SRF</b>	Clean Water State Revolving Fund
<b>CWA</b>	Clean Water Act	<b>OCSD</b>	Orange County Sanitation District	<b>SSMP</b>	Sewer System Management Plan
<b>CWEA</b>	California Water Environment Association	<b>OCWD</b>	Orange County Water District	<b>SSO</b>	Sanitary Sewer Overflow
<b>EIR</b>	Environmental Impact Report	<b>OOBS</b>	Ocean Outfall Booster Station	<b>SWRCB</b>	State Water Resources Control Board
<b>EMT</b>	Executive Management Team	<b>OSHA</b>	Occupational Safety and Health Administration	<b>TDS</b>	Total Dissolved Solids
<b>EPA</b>	US Environmental Protection Agency	<b>PCSA</b>	Professional Consultant/Construction Services Agreement	<b>TMDL</b>	Total Maximum Daily Load
<b>FOG</b>	Fats, Oils, and Grease	<b>PDSA</b>	Professional Design Services Agreement	<b>TSS</b>	Total Suspended Solids
<b>gpd</b>	gallons per day	<b>PFAS</b>	Per- and Polyfluoroalkyl Substances	<b>WDR</b>	Waste Discharge Requirements
<b>GWRS</b>	Groundwater Replenishment System	<b>PFOA</b>	Perfluorooctanoic Acid	<b>WEF</b>	Water Environment Federation
<b>ICS</b>	Incident Command System	<b>PFOS</b>	Perfluorooctanesulfonic Acid	<b>WERF</b>	Water Environment & Reuse Foundation
<b>IERP</b>	Integrated Emergency Response Plan	<b>POTW</b>	Publicly Owned Treatment Works	<b>WIFIA</b>	Water Infrastructure Finance and Innovation Act
<b>JPA</b>	Joint Powers Authority	<b>ppm</b>	parts per million	<b>WIIN</b>	Water Infrastructure Improvements for the Nation Act
<b>LAFCO</b>	Local Agency Formation Commission	<b>PSA</b>	Professional Services Agreement	<b>WRDA</b>	Water Resources Development Act



## ORANGE COUNTY SANITATION DISTRICT GLOSSARY OF TERMS

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**ACTIVATED SLUDGE PROCESS** – A secondary biological wastewater treatment process where bacteria reproduce at a high rate with the introduction of excess air or oxygen and consume dissolved nutrients in the wastewater.

**BENTHOS** – The community of organisms, such as sea stars, worms, and shrimp, which live on, in, or near the seabed, also known as the benthic zone.

**BIOCHEMICAL OXYGEN DEMAND (BOD)** – The amount of oxygen used when organic matter undergoes decomposition by microorganisms. Testing for BOD is done to assess the amount of organic matter in water.

**BIOGAS** – A gas that is produced by the action of anaerobic bacteria on organic waste matter in a digester tank that can be used as a fuel.

**BIOSOLIDS** – Biosolids are nutrient rich organic and highly treated solid materials produced by the wastewater treatment process. This high-quality product can be recycled as a soil amendment on farmland or further processed as an earth-like product for commercial and home gardens to improve and maintain fertile soil and stimulate plant growth.

**CAPITAL IMPROVEMENT PROGRAM (CIP)** – Projects for repair, rehabilitation, and replacement of assets. Also includes treatment improvements, additional capacity, and projects for the support facilities.

**COLIFORM BACTERIA** – A group of bacteria found in the intestines of humans and other animals, but also occasionally found elsewhere, used as indicators of sewage pollution. E. coli are the most common bacteria in wastewater.

**COLLECTIONS SYSTEM** – In wastewater, it is the system of typically underground pipes that receive and convey sanitary wastewater or storm water.

**CERTIFICATE OF PARTICIPATION (COP)** – A type of financing where an investor purchases a share of the lease revenues of a program rather than the bond being secured by those revenues.

**CONTAMINANTS OF POTENTIAL CONCERN (CPC)** – Pharmaceuticals, hormones, and other organic wastewater contaminants.

**DILUTION TO THRESHOLD (D/T)** – The dilution at which the majority of people detect the odor becomes the D/T for that air sample.

**GREENHOUSE GASES (GHG)** – In the order of relative abundance water vapor, carbon dioxide, methane, nitrous oxide, and ozone gases that are considered the cause of global warming (“greenhouse effect”).

**GROUNDWATER REPLENISHMENT SYSTEM (GWRS)** – A joint water reclamation project that proactively responds to Southern California’s current and future water needs. This joint project between the Orange County Water District and OCSD provides 70 million gallons per day of drinking quality water to replenish the local groundwater supply.

**LEVEL OF SERVICE (LOS)** – Goals to support environmental and public expectations for performance.

**N-NITROSODIMETHYLAMINE (NDMA)** – A N-nitrosamine suspected cancer-causing agent. It has been found in the GWRS process and is eliminated using hydrogen peroxide with extra ultra-violet treatment.

**NATIONAL BIOSOLIDS PARTNERSHIP (NBP)** – An alliance of the NACWA and WEF, with advisory support from the EPA. NBP is committed to developing and advancing environmentally sound and sustainable biosolids management practices that go beyond regulatory compliance and promote public participation to enhance the credibility of local agency biosolids programs and improved communications that lead to public acceptance.

**PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)** – A large group (over 6,000) of human-made compounds that are resistant to heat, water, and oil and used for a variety of applications including firefighting foam, stain and water-resistant clothing, cosmetics, and food packaging. Two PFAS compounds, perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) have been the focus of increasing regulatory scrutiny in drinking water and may result in adverse health effects including developmental effects to fetuses during pregnancy, cancer, liver damage, immunosuppression, thyroid effects, and other effects.

**PERFLUOROCTANOIC ACID (PFOA)** – An ingredient for several industrial applications including carpeting, upholstery, apparel, floor wax, textiles, sealants, food packaging, and cookware (Teflon).

**PERFLUOROCTANESULFONIC ACID (PFOS)** – A key ingredient in Scotchgard, a fabric protector made by 3M, and used in numerous stain repellents.

**PLUME** – A visible or measurable concentration of discharge from a stationary source or fixed facility.

**PUBLICLY OWNED TREATMENT WORKS (POTW)** – A municipal wastewater treatment plant.

**SANTA ANA RIVER INTERCEPTOR (SARI) LINE** – A regional brine line designed to convey 30 million gallons per day of non-reclaimable wastewater from the upper Santa Ana River basin to the ocean for disposal, after treatment.

**SANITARY SEWER** – Separate sewer systems specifically for the carrying of domestic and industrial wastewater.

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD)** – Regional regulatory agency that develops plans and regulations designed to achieve public health standards by reducing emissions from business and industry.

**SECONDARY TREATMENT** – Biological wastewater treatment, particularly the activated sludge process, where bacteria and other microorganisms consume dissolved nutrients in wastewater.

**SLUDGE** – Untreated solid material created by the treatment of wastewater.

**TOTAL SUSPENDED SOLIDS (TSS)** – The amount of solids floating and in suspension in wastewater.

## **ORANGE COUNTY SANITATION DISTRICT GLOSSARY OF TERMS**

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**TRICKLING FILTER** – A biological secondary treatment process in which bacteria and other microorganisms, growing as slime on the surface of rocks or plastic media, consume nutrients in wastewater as it trickles over them.

**URBAN RUNOFF** – Water from city streets and domestic properties that carry pollutants into the storm drains, rivers, lakes, and oceans.

**WASTEWATER** – Any water that enters the sanitary sewer.

**WATERSHED** – A land area from which water drains to a particular water body. OCSD's service area is in the Santa Ana River Watershed.