

# **ORANGE COUNTY SANITATION DISTRICT**

## **MINUTES**

### **BOARD OF DIRECTORS**

**OCTOBER 23, 2019**



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

**CALL TO ORDER**

A regular meeting of the Board of Directors of the Orange County Sanitation District was called to order by Board Chairman David Shawver on October 23, 2019 at 6:01 p.m. in the Administration Building. Director Steve Jones delivered the invocation and led the Pledge of Allegiance.

**ROLL CALL AND DECLARATION OF QUORUM**

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

**Present:** Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Phil Hawkins, Cecilia Iglesias, Steve Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Kim Nichols (Alternate)

**Absent:** Tim Shaw

**STAFF MEMBERS PRESENT:** Jim Herberg, General Manager; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Celia Chandler, Director of Human Resources; Kathy Millea, Director of Engineering; Lan Wiborg, Director of Environmental Services; Kelly Lore, Clerk of the Board; Jennifer Cabral; Jackie Castro; Rod Collins; Mike Dorman; Al Garcia; Jed Gonzalez; Derek Harp; Tina Knapp; Courtney Light; Rebecca Long; Laura Maravilla; Joshua Martinez; Jeff Mohr; Kelly Newell; Wally Ritchie; and Jim Spears.

**OTHERS PRESENT:** Brad Hogin (General Counsel).

**PUBLIC COMMENTS:**

None.

**SPECIAL PRESENTATIONS:**

Safety and Health Supervisor Rod Collins awarded Certificates and \$100 gift cards to the following Safety Poster Contest Grand Prize Winners:

Category K - 2nd grade	Vito Diossi
Category 3rd - 5th grade	Eshan Jagdish
Category 6th - 8th grade	Aariya Kawatkar
Category 9th - 12th grade	Avi Jagdish (not in attendance)

**REPORTS:**

Chair Shawver announced that the following items were provided to the Directors tonight: OCSD ID badges for each Board and Alternate Board member, a Board member contact list,

OCSD lapel pin to celebrate Water Professionals Week, and emergency procedures and evacuation routes. He further stated that OCSD participated in the Great Shake Out last Thursday and that if there was an incident during a Board meeting that the Board's evacuation gathering area is in the front parking lot.

Chair Shawver reminded everyone of the upcoming State of the District Breakfast on Friday, October 25 from 8 a.m. to 10 a.m. at the Mile Square Golf Course and the GWRS Final Expansion Groundbreaking Event on November 8 from noon to 1:30 p.m. at the Orange County Water District and asked that the Directors RSVP to the Clerk of the Board.

Chair Shawver stated that he attended the recent Costa Mesa Sanitary District 75th Anniversary Open House, where Jim Ferryman was recognized for his 30 years of service.

General Manager Jim Herberg reported that at the last Headquarters Ad Hoc Committee meeting the City of Fountain Valley provided a presentation regarding impacts to city services and fees required for development of OCSD's new Headquarters Building. As directed by the Committee, he stated that he has met with the City Manager and will continue efforts toward a workable solution.

Mr. Herberg provided information regarding two GWRS related projects that have hit milestones this month: equalization tanks and pump station and OCSD's headworks modification project at Plant No. 2. He stated that the GWRS Final Expansion is on schedule for final completion in 2023.

Mr. Herberg reported that, based on direction received from the Board, the final Strategic Plan will be presented to the Board at the November meeting.

Mr. Herberg also reported on his recent attendance at SCCWRP's 50th Anniversary event and the Clark Prize Award Ceremony.

### **CONSENT CALENDAR:**

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

**[2019-588](#)**

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Special Meeting (Strategic Planning) of the Board of Directors held September 18, 2019 and the minutes of the Regular Meeting of the Board of Directors held September 25, 2019.

**Ayes:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Phil Hawkins, Cecilia Iglesias, Steve Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Kim Nichols (Alternate)

**Noes:** None

**Absent:** Allan Bernstein and Tim Shaw

**Abstentions:** None

**2. PROPOSED BOARD OF DIRECTORS & COMMITTEE MEETING  
DATES FOR CALENDAR YEAR 2020**

[2019-695](#)

**Originator:** Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve the calendar of meeting dates for the 2020 calendar year for the Board of Directors and the following Committees: Administration, Legislative and Public Affairs, Operations, and Steering.

**Ayes:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Phil Hawkins, Cecilia Iglesias, Steve Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Kim Nichols (Alternate)

**Noes:** None

**Absent:** Allan Bernstein and Tim Shaw

**Abstentions:** None

**RECEIVE AND FILE:**

**3. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH  
OF SEPTEMBER 2019**

[2019-578](#)

**Originator:** Lorenzo Tyner

RECEIVED AND FILED:

Report of the Investment Transactions for the month of September 2019.

**4. COMMITTEE MEETING MINUTES**

[2019-589](#)

**Originator:** Kelly Lore

RECEIVED AND FILED:

- A. Minutes of the GWRS Steering Committee Meeting held July 8, 2019
- B. Minutes of the Steering Committee Meeting held August 28, 2019
- C. Minutes of the Operations Committee Meeting held September 4, 2019
- D. Minutes of the Legislative and Public Affairs Committee held September 9, 2019
- E. Minutes of the Headquarters Complex Ad Hoc Committee Meeting held September 18, 2019

**OPERATIONS COMMITTEE:****5. TUSTIN AVENUE MANHOLE AND PIPE REPAIR, PROJECT NO. [2019-669](#)  
FE17-06**

**Originator:** Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulation and Recommendation for Tustin Avenue Manhole and Pipe Repair, Project No. FE17-06;
- B. Award a Construction Contract to Nuline Technologies, LLC for Tustin Avenue Manhole and Pipe Repair, Project No. FE17-06, for a total amount not to exceed \$350,000; and
- C. Approve a contingency of \$35,000 (10%).

**Ayes:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Phil Hawkins, Cecilia Iglesias, Steve Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Kim Nichols (Alternate)

**Noes:** None

**Absent:** Allan Bernstein and Tim Shaw

**Abstentions:** None

**6. MP-275/MP-276 CENTRAL GENERATION ENGINE OVERHAULS AT PLANT NOS. 1 AND 2 [2019-670](#)**

**Originator:** Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Award a service contract to UPS Midstream Services, Inc. to provide Central Generation Engine Overhauls at Plant Nos. 1 and 2 (for a total of two engines), Specification No. S-2019-1074BD, for a total amount not to exceed \$5,636,335; and

- B. Approve a contingency of \$1,127,268 (20%).

**Ayes:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Phil Hawkins, Cecilia Iglesias, Steve Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Kim Nichols (Alternate)

**Noes:** None

**Absent:** Allan Bernstein and Tim Shaw

**Abstentions:** None

**ADMINISTRATION COMMITTEE:**

None.

**LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:**

**7. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF SEPTEMBER 2019 [2019-687](#)**

**Originator:** Jim Herberg

WITHOUT OBJECTION THE BOARD DIRECTED TO:

Receive and file the Legislative Affairs Update for the month of September 2019.

**8. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF SEPTEMBER 2019 [2019-688](#)**

**Originator:** Jim Herberg

WITHOUT OBJECTION THE BOARD DIRECTED TO:

Receive and file the Public Affairs Update for the month of September 2019.

**9. PUBLIC AFFAIRS YEAR-END REPORT [2019-689](#)**

**Originator:** Jim Herberg

WITHOUT OBJECTION THE BOARD DIRECTED TO:

Receive and file the Public Affairs Year-End Report for Fiscal Year 2018/19.

**STEERING COMMITTEE:**

**10. COOPERATIVE PROCUREMENT AGREEMENTS**

[2019-692](#)

**Originator:** Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Authorize the purchasing of information technology products, services, and solutions utilizing Cooperative Procurement Agreements (CPA) from U.S. General Services Administration (GSA) IT Schedule 70, National Association of State Procurement Officials ValuePoint Cooperative Purchasing Organization, and OMNIA Partners, Public Sector (formerly U.S. Communities) for the period January 1, 2020 through December 31, 2020 for a total amount not to exceed \$2,000,000, in accordance with Ordinance No. OCSD-52, Section 2.03(B) Cooperative Purchases, with two (2) one-year renewal options.

**Ayes:** Brad Avery, Doug Chaffee, Robert Collacott, James Ferryman, Phil Hawkins, Cecilia Iglesias, Steve Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Kim Nichols (Alternate)

**Noes:** None

**Absent:** Allan Bernstein and Tim Shaw

**Abstentions:** None

Director Bernstein arrived at the meeting at 6:30 p.m.

**11. CONTRACT SECURITY SERVICES**

[2019-693](#)

**Originator:** Celia Chandler

Safety and Health Supervisor Rod Collins, provided a PowerPoint Presentation detailing the services required and the process of the procurement.

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Approve a Service Contract for Allied Universal to provide security services, Specification No. S-2019-1079BD, for a total annual amount not to exceed \$1,588,195 for a one-year period beginning December 1, 2019 through November 30, 2020, with up to four (4) one-year renewal options; and
- B. Approve an annual contingency of \$158,819 (10%).

**Ayes:** Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Phil Hawkins, Cecilia Iglesias, Steve Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Mariellen Yarc and Kim Nichols (Alternate)

**Noes:** None

**Absent:** Tim Shaw

**Abstentions:** None

**NON-CONSENT:**

None.

**INFORMATION ITEMS:**

None.

**AB 1234 DISCLOSURE REPORTS:**

Director Ferryman provided information of his upcoming OCCOG and Borders Committee meetings.

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

The Board convened in closed session at 6:37 p.m. to discuss two items. Item No. CS-3 was not heard. Confidential minutes of the Closed Sessions have been prepared in accordance with the above Government Code Sections and are maintained by the Clerk of the Board in the Official Book of Confidential Minutes of Board and Committee Closed Session Meetings.

**CS-1 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED  
LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(2)**[2019-694](#)

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Significant exposure to litigation: Claim of James Chavez

**CS-2 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION -  
GOVERNMENT CODE SECTION 54956.9(d)(1)**[2019-685](#)

CONVENED IN CLOSED SESSION:



Number of Cases: 1

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

**CS-3 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - [2019-690](#)  
GOVERNMENT CODE SECTION 54956.9(d)(1)**

ITEM NOT HEARD.

Number of Cases: 1

Klean Waters, Inc. v. Orange County Sanitation District, United States District Court, Central District of California, Southern Division, Case No. 8:15-cv-00627.

The Board reconvened in regular session at 6:44 p.m.

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

General Counsel Brad Hogin did not provide a report.

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

None.

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

None.

**ADJOURNMENT:**

At 6:46 p.m., Chair Shawver adjourned the meeting until the Special Meeting of the Board of Directors (State of the District) at Mile Square Golf Course, 10401 Warner Avenue, Fountain Valley, CA 92708 on Friday, October 25, 2019 at 8:00 a.m. The meeting was adjourned in memory of former City of Stanton City Councilman Ed Royce Sr.

Submitted by:

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Kelly A. Lore, MMC  
Clerk of the Board