ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

NOVEMBER 20, 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 November 20, 2019 at 6:08 p.m. in the Administration Building. Director Erik Peterson 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, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)

ABSENT: Phil Hawkins

STAFF MEMBERS PRESENT: Jim Herberg, General Manager; Rob Thompson, Assistant General Manager; Lorenzo Tyner, Assistant General Manager; Kathy Millea, Director of Engineering; Kelly Lore, Clerk of the Board; Janine Aguilar; Daisy Covarrbias; Raul Cueller; Al Garcia; Tom Grant; Mark Kawamoto; Tina Knapp; Laura Maravilla; Jeff Mohr; Tyler Ramirez; Wally Ritchie; Mickey Whitney; and Mike Zedek.

OTHERS PRESENT: Brad Hogin (General Counsel); Roger Cerda and Peter Maisitis, Alston & Bird (Special Counsel); Bob Ooten, Alternate Director (CMSD) and Austin Mejia, Supervisor Chaffee's office.

PUBLIC COMMENTS:

Supervisor Chaffee presented a proclamation to Orange County Sanitation District to commemorate the groundbreaking of the final expansion of the GWRS.

Vice Chair Withers departed the meeting at 6:11 p.m.

SPECIAL PRESENTATIONS:

Chair Shawver presented a token of his appreciation to the Directors whose Alternate Directors attended the State of the District.

Engineering Supervisor Mark Kawamoto presented a 30-year Service Award to Engineer Mike Zedek - Division 620.

REPORTS:

Chair Shawver reported on the success of the recent GWRS Final Expansion Groundbreaking event and expressed appreciation to those who attended.

Chair Shawver also announced that as part of OCSD's branding efforts, the Board members were each given an OCSD polo shirt.

The Chairman announced that staff was in attendance at the Orange County Business Council Awards ceremony where OCSD was nominated for several awards including: Odor and Corrosion Program; Converting Food Waste into Green Energy; Battery Energy Storage System Project; and a joint entry with Orange County Health Care Agency and Public Works, South Orange County Wastewater Authority for our partnership on "Beaches Open for Business - the OC Ocean Water Protection Program."

General Manager Jim Herberg stated that based on direction and feedback received from the Board, and following the Steering Committee's approval this evening, the 2019 Strategic Plan was on the consent calendar for adoption by the Board. He thanked the Directors for their engagement and thoughtful discussion while setting the policy direction for the agency.

CONSENT CALENDAR:

1. APPROVAL OF MINUTES 2019-580

Originator: Kelly Lore

Chair Shawver announced that a correction was made to the Special Meeting minutes start time from 9:20 to 8:20 a.m.

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Meeting of the Board of Directors held October 23, 2019 and Minutes of the Special Meeting of the Board of Directors (State of the District) held October 25, 2019.

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

2. REJECT CLAIM OF JAMES MICHAEL CHAVEZ 2019-704

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file letter of rejection in regard to claim of damage received from Mr. James Michael Chavez.

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

RECEIVE AND FILE:

3. COMMITTEE MEETING MINUTES 2019-652

Originator: Kelly Lore

WITHOUT OBJECTION ACTION TAKEN TO: Receive and file:

A. Minutes of the Administration Committee Meeting held September 11, 2019
B. Minutes of the Steering Committee Meeting held September 25, 2019
C. Minutes of the Operations Committee Meeting held October 2, 2019
D. Minutes of the Legislative and Public Affairs Committee held October 14, 2019

4. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH OF OCTOBER 2019 2019-673

Originator: Lorenzo Tyner

WITHOUT OBJECTION ACTION TAKEN TO: Receive and file:

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

OPERATIONS COMMITTEE:

5. PURCHASE OF THIRTY-SIX ELECTRIC CARTS 2019-727

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

A. Award a Purchase Order to Southwest Material Handling for the purchase of 36 electric carts using US Communities Cooperative Contract EV2024-01 for a total amount not to exceed $684,506; and

B. Approve a contingency of $34,226 (5%)

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

6. LABORATORY BOILER BURNER REPLACEMENT AT PLANT NO. 1, PROJECT NO. MP-485 2019-728

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Receive and file Bid Tabulation and Recommendation for Laboratory Boiler Burner Replacement at Plant No. 1, Project No. MP-485;

B. Award a contract agreement to ODC Engineering & Technology for Laboratory Boiler Burner Replacement at Plant No. 1, Project No. MP-485, for an amount not to exceed $283,000; and

C. Approve a contingency of $28,300 (10%).

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

7. UNINTERRUPTIBLE POWER SUPPLY IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. P1-132 2019-729

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Design Services Agreement with Tetra Tech, Inc. to provide engineering services for Uninterruptible Power Supply Improvements at Plant No. 1, Project No. P1-132, for an amount not to exceed $784,680; and

B. Approve a contingency of $78,468 (10%).

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

8. CAPITAL IMPROVEMENT PROGRAM CONTRACT PERFORMANCE REPORT **2019-730**

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Capital Improvement Program Contract Performance Report for the period ending September 30, 2019.

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

9. PLANT NO. 2 MAIN SEWAGE PUMPS, VARIABLE FREQUENCY DRIVE, 10 YEAR PREVENTATIVE MAINTENANCE **2019-731**

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve Sole Source Purchase Order Contract with OneSource Distributors for performing the 10-year manufacturer recommended Preventative Maintenance (PM) on all seven of Plant No. 2 Main Sewage Pump Variable Frequency Drives for an amount not to exceed $438,751, which includes the purchase of the full scope of supply, freight, and taxes; and

B. Approve a contingency of $43,876 (10%).

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

10. PLANT NO. 2 MAIN SEWAGE PUMPS MOTOR OVERHAUL 2019-732

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

A. Award a service contract to R.A. Reed Electric Company to provide Plant No. 2 Main Sewage Pump Motor Overhaul, Specification No. S-2019-1089BD, for a total amount not to exceed $430,680; and

B. Approve a contingency of $43,068 (10%).

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

11. CARBON CANYON PIPELINE SAG REPAIRS, PROJECT NO. FE17-01 2019-733

Originator: Kathy Millea

Item pulled and heard separately. Staff responded to a question regarding possible odors from this project which were negated.

MOVED, SECONDED, AND DULY CARRIED TO:

A. Receive and file Bid Tabulation and Recommendation for Carbon Canyon Pipeline Sag Repairs, Project No. FE17-01;

B. Reject low bid from Creative Home Corporation (CHI Construction) as non-responsive;

C. Award a construction contract to Mike Prlich and Sons, Inc. for Carbon Canyon Pipeline Sag Repairs, Project No. FE17-01, for a total amount not to exceed $510,000; and

D. Approve a contingency amount of $51,000 (10%).

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

12. PRIMARY SEDIMENTATION BASINS NO. 6-31 RELIABILITY IMPROVEMENTS AT PLANT NO. 1, PROJECT NO. P1-133 **2019-734**

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

A. Approve a Professional Design Services Agreement with Carollo Engineers, Inc. to provide engineering services for Primary Sedimentation Basins No. 6-31 Reliability Improvements at Plant No. 1, Project No. P1-133, for an amount not to exceed $1,219,667; and

B. Approve a contingency of $121,967 (10%).

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

ADMINISTRATION COMMITTEE:

13. 2019 CONFLICT OF INTEREST CODE 2019-746

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OCSD 19-18 entitled, "A Resolution of the Board of Directors of Orange County Sanitation District adopting a Conflict of Interest Code which supersedes all prior Conflict of Interest Codes and amendments previously adopted".

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

14. UPDATE TO THE ESTABLISHED RULES OF PROCEDURE FOR THE CONDUCT OF BUSINESS OF THE ORANGE COUNTY SANITATION DISTRICT 2019-747

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OCSD 19-19 entitled, "A Resolution of the Board of Directors of Orange County Sanitation District establishing Rules of Procedure for the Conduct of Business of the Orange County Sanitation District; and repealing Resolution No. OCSD 18-12".

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

15. GENERAL MANAGER APPROVED PURCHASES AND ADDITIONS TO THE PRE-APPROVED OEM SOLE SOURCE LIST 2019-748

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

A. Receive and file Orange County Sanitation District purchases made under the General Manager's authority for the period of July 1, 2019 to September 30, 2019; and

B. Approve the following additions to the pre-approved OEM Sole Source List for the period of July 1, 2019 to September 30, 2019:

- ALLEN-BRADLEY - Medium Voltage Variable Frequency Drive
- CLEAVER-BROOKS - Burner Elements
- EATON - Self-Cleaning Strainers
- SONETICS - Wireless headsets and system
- TRM/Maximo - Rules Manager SE and Lock out Tag Out (LOTO) Software
- VAUGHAN - Mixing Nozzles

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

16. CONSOLIDATED FINANCIAL REPORT FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2019 2019-749

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District First Quarter Financial Report for the period ended September 30, 2019.

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None

ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

17. LEASE AGREEMENT WITH MEGDAL GREEN, LLC PROVIDING ORANGE COUNTY SANITATION DISTRICT PARCEL FOR PARKING AND/OR RELATED ACTIVITIES 2019-750

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a five-year lease agreement with Megdal Green, LLC, a California limited liability company, to allow paving, striping, parking, and related improvements over a 4-foot wide portion of the Orange County Sanitation District's 50-foot wide utility corridor which abuts 21532 South Brookhurst Street in Huntington Beach owned by Megdal Green, LLC, at an annual cost of $250, for a term of five-years.

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

18. ORANGE COUNTY SANITATION DISTRICT COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE YEAR END JUNE 30, 2019 2019-751

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Orange County Sanitation District's Comprehensive Annual Financial Report for the year ended June 30, 2019, prepared by staff and audited by Macias Gini & O'Connell LLP (MGO), Certified Public Accountants, along with the following reports prepared by MGO:

1. Report to the Board of Directors; and

2. Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets.

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

19. POSITION CHANGES FOR FISCAL YEAR 2019-20 2019-752

Originator: Celia Chandler

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a position exchange and corresponding salary upgrade from a vacant Senior Mechanic (Salary Grade LOC67) position to Maintenance Specialist (Salary Grade PRO80).

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

20. PUBLIC AFFAIRS UPDATE FOR THE MONTH OF OCTOBER 2019 2019-721

Originator: Jim Herberg

WITHOUT OBJECTION ACTION TAKEN TO:

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

21. LEGISLATIVE AFFAIRS UPDATE FOR THE MONTH OF OCTOBER 2019 2019-722

Originator: Jim Herberg

WITHOUT OBJECTION ACTION TAKEN TO:

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

STEERING COMMITTEE:

22. ORANGE COUNTY SANITATION DISTRICT'S STRATEGIC PLAN **2019-753**

Originator: Rob Thompson

MOVED, SECONDED, AND DULY CARRIED TO:

A. Adopt the 2019 Strategic Plan; and

B. Direct staff to implement the goals contained in the Strategic Plan.

AYES: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)
NOES: None
ABSENT: Phil Hawkins and John Withers
ABSTENTIONS: None

NON-CONSENT:

None.

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Ferryman provided information of upcoming meetings of the OCCOG and NWRI.

CLOSED SESSION:

CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(d)(4) & 54956.9(d)(1):

The Board convened in closed session at 6:37 p.m. to discuss three items. Item No. CS-3 was heard first followed by CS-1 & CS-2. 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.

Director Wanke departed the meeting at 7:54 p.m. after CS-3 was heard.

CS-1 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) 2019-743

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

Initiation of litigation regarding permittee: Aseptic Technology, LLC

CS-2 CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4) 2019-744

Director Nagel recused himself for Item No. CS-2 and departed the meeting at 7:04.

CONVENED IN CLOSED SESSION:

Number of Potential Cases: 1

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

CS-3 CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(1) 2019-745

CONVENED IN CLOSED SESSION:

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 7:56 p.m.

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

General Counsel Brad Hogin reported on Item No. CS-1 stating that the Board voted unanimously to authorize staff and Counsel to file a lawsuit against Aseptic Technology, LLC to recover all past costs and to seize discharging to the Orange County Sanitation District.

Ayes: Brad Avery, Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Cecilia Iglesias, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Tom Beamish (Alternate), Stacy Berry (Alternate), Dean Grose (Alternate) and John O'Neill (Alternate)

Noes: None

Absent: Phil Hawkins, Chad Wanke and John Withers

Abstentions: None

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

Director Peterson reported on his recent trip to Washington D.C. on behalf of both the City of Huntington Beach and OCSD.

BOARD OF DIRECTORS INITIATED ITEMS FOR A FUTURE MEETING:

None.

ADJOURNMENT:

At 7:58 p.m., Chair Shawver adjourned the meeting until the Regular Meeting of the Board of Directors to be held on December 18, 2019 at 6:00 p.m.

Submitted by:

Kelly A. Lore, MMC
Clerk of the Board