ORANGE COUNTY SANITATION DISTRICT

MINUTES

BOARD OF DIRECTORS

JUNE 24, 2020



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 June 24, 2020 at 6:10 p.m. in the Administration Building. Director Chad Wanke delivered the invocation and led the Pledge of Allegiance.

Clerk of the Board Kelly Lore stated that the meeting was being held telephonically and via audio/video teleconferencing in accordance with the Governor's Executive Order No. N-29-20, due to the Coronavirus Pandemic (COVID-19 and announced the teleconference meeting guidelines and stated that votes will be taken by roll call.

ROLL CALL & DECLARATION OF QUORUM

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

PRESENT: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

ABSENT: Brad Avery

STAFF MEMBERS PRESENT: Jim Herberg, General Manager; Kelly Lore, Clerk of the Board; Al Garcia; and Brian Engeln were present in the Board Room. Assistant General Manager Lorenzo Tyner, Assistant General Manager Rob Thompson, Director of Engineering Kathy Millea, Director of Environmental Services Lan Wiborg, Director of Human Resources Celia Chandler, Tina Knapp, and Wally Ritchie participated telephonically.

<u>OTHERS PRESENT</u>: Brad Hogin (General Counsel) was present in the Board Room.

1. APPOINTMENTS TO THE ORANGE COUNTY SANITATION DISTRICT <u>2020-1133</u> BOARD OF DIRECTORS

Originator: Kelly Lore

WITHOUT OBJECTION, ACTION TAKEN TO:

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

Agency	Director	Alternate Director
City of Santa Ana	Nelida Mendoza	David Penaloza

Chair Shawver welcomed newly appointed Director Mendoza to the meeting.

2020-1110

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATIONS:

None.

REPORTS:

Chair Shawver announced that the July Operations, Administration, and Legislative and Public Affairs Committees will be held on their regular date and time and will continue to take place remotely.

Chair Shawver stated that over the last few months the Board had been provided updates on the budget process including a presentation on the potential impacts of bypassing the user fee increase for the upcoming year. Staff found financial stability could be maintained while foregoing the rate increase. Chair Shawver stated this relief should help our customers impacted by the COVID-19 pandemic.

Chair Shawver reminded the Board Members that tomorrow they should receive their talking points regarding OCSD information and tonight's Board actions.

General Manager Jim Herberg provided a brief COVID-19 update.

CONSENT CALENDAR:

2. APPROVAL OF MINUTES

Originator: Kelly Lore

MOVED, SECONDED, AND DULY CARRIED TO:

Approve Minutes of the Regular Meeting of the Board of Directors meeting held on May 27, 2020.

AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

NOES: None

ABSENT: Brad Avery and Tim Shaw

ABSTENTIONS: Nelida Mendoza

RECEIVE AND FILE:

3. REPORT OF THE INVESTMENT TRANSACTIONS FOR THE MONTH <u>2020-908</u> OF MAY 2020

Originator: Lorenzo Tyner

WITHOUT OBJECTION, ACTION TAKEN TO:

Report of the Investment Transactions for the month of May 2020.

4. COMMITTEE MEETING MINUTES

2020-1109

Originator: Kelly Lore

WITHOUT OBJECTION, ACTION TAKEN TO:

- A. Minutes of the Steering Committee Meeting held April 22, 2020
- B. Minutes of the Operations Committee Meeting held May 6, 2020
- C. Minutes of the Administration Committee Meeting held May 13, 2020

OPERATIONS COMMITTEE:

5. CAPITAL IMPROVEMENT PROGRAM CONTRACT PERFORMANCE <u>2020-1104</u> REPORT

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file the Capital Improvement Program Contract Performance Report for the period ending March 31, 2020.

AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc
 NOES: None
 ABSENT: Brad Avery, Andrew Nguyen and Tim Shaw

ABSTENTIONS: None

6. TOSHIBA 12KV CIRCUIT BREAKER PURCHASE

2020-1105

Originator: Rob Thompson

- A. Award a Purchase Order Contract to Superior Electric Motor Services for the purchase of eight Toshiba HVK 12kV circuit breakers for Plant No. 1 Electrical Distribution System, per Specification No. E-2020-1162BD, for a total amount not to exceed \$195,072, including sales tax and freight; and
- B. Approve a contingency of \$9,754 (5%).
- AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

NOES: None

ABSENT: Brad Avery, Andrew Nguyen and Tim Shaw

ABSTENTIONS: None

7. 12KV DISTRIBUTION CENTER B AND EAST RAS PUMP STATION <u>2020-1106</u> ROOFING REPLACEMENT, PROJECT NO. FE18-19R

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Receive and file Bid Tabulations and Recommendation for O'Connell Engineering & Construction, Inc. for 12kV Distribution Center B and East RAS Pump Station Roofing Replacement, Project No. FE18-19R;
- B. Award a Construction Contract to O'Connell Engineering & Construction, Inc. for 12kV Distribution Center B and East RAS Pump Station Roofing Replacement, Project No. FE18-19R, for a total amount not to exceed \$674,800; and
- C. Approve a contingency of \$67,480 (10%).
- AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc
 NOES: None
 ABSENT: Brad Avery, Andrew Nguyen and Tim Shaw

ABSTENTIONS: None

8. HEADQUARTERS COMPLEX SITE PREPARATION, PROJECT NO. <u>2020-1107</u> P1-128C

Originator: Kathy Millea

MOVED, SECONDED, AND DULY CARRIED TO:

- A. Consider the Fountain Valley Crossings Specific Plan Program Environmental Impact Report (State Clearinghouse No. 2015101042) that evaluated the total buildout of the Specific Plan area with a goal of revitalizing the existing light industrial use;
- B. Consider, receive, and file the Initial Study/Addendum for the Administrative Headquarters Building, Project for P1-128, dated December 2019 to the City of Fountain Valley's Program Environmental Impact Report for the Fountain Valley Crossings Specific Plan to demolish five warehouse buildings, construct and operate an administrative headquarters building, pedestrian bridge, signage, landscaping, lighting, and surface parking lot in the City of Fountain Valley;
- C. Receive and file Bid Tabulation and Recommendation for Headquarters Complex Site Preparation, Project No. P1-128C;
- D. Accept the formal bid withdrawal request received on March 13, 2020 from the initial lowest bidder, Interior Demolition, Inc.;
- E. Reject the bid from the second apparent low bidder AMPCO North, Inc. as non-responsive;
- F. Award a Demolition Contract to Resource Environmental, Inc. for Headquarters Complex Site Preparation, Project No. P1-128C, for a total amount not to exceed \$1,555,000; and
- G. Approve a contingency of \$155,500 (10%).
- AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

NOES: None

ABSENT: Brad Avery, Andrew Nguyen and Tim Shaw

ABSTENTIONS: None

9. HEADQUARTERS COMPLEX SITE PREPARATION, PROJECT NO. <u>2020-1108</u> P1-128C

Originator: Kathy Millea

- Α. Approve a Professional Construction Services Agreement with HDR, Inc. to provide construction support services for Headquarters Complex Site Preparation, Project No. P1-128C, for a total amount not to exceed \$178,000; and
- Β. Approve a contingency of \$17,800 (10%).
- AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc None

NOES:

Brad Avery, Andrew Nguyen and Tim Shaw ABSENT:

ABSTENTIONS: None

ADMINISTRATION COMMITTEE:

10. ENVIRONMENTAL REGULATORY REPORTS

2020-1116

Originator: Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

Receive and file environmental regulatory reports: Biosolids Management Compliance Report 2019; Annual Pretreatment Program Report Fiscal Year 2018-2019; Semi-Annual Pretreatment Program Report Fiscal Year 2019-2020 (July-December); Annual Greenhouse Gas Emissions Report 2019; Annual Emission Report 2019; and Marine Monitoring Annual Report 2018/2019.

Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, AYES: Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc NOES: None

ABSENT: Brad Avery and Tim Shaw

ABSTENTIONS: None

11. COMPLETE FIELD INSTRUMENT CALIBRATION SOLUTION 2020-1117

Originator: Lorenzo Tyner

- A. Award a Professional Services Agreement to Beamex, Inc. to provide Instrumentation Data Management Services, Specification No. CS-2020-1102, for a total amount not to exceed \$257,714;
- B. Award a sole source purchase order for the purchase of instrumentation hardware in an amount not to exceed \$259,124; and
- C. Approve a contingency in the amount of \$77,525 (15%) for both procurements.
- AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

NOES: None

ABSENT: Brad Avery and Tim Shaw

ABSTENTIONS: None

12. GANN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2020-21 2020-1118

Originator: Lorenzo Tyner

MOVED, SECONDED, AND DULY CARRIED TO:

Adopt Resolution No. OCSD 20-02, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Establishing the Annual Appropriations Limit for Fiscal Year 2020-21 for the District in accordance with the Provisions of Division 9 of Title 1 of the California Government Code".

AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

NOES: None

ABSENT: Brad Avery and Tim Shaw

ABSTENTIONS: None

13. FY 2020-21 USE CHARGES FOR SANTA ANA WATERSHED 2020-1119 PROJECT AUTHORITY

Originator: Lorenzo Tyner

Adopt Resolution No. OCSD 20-03, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Establishing Use Charges for the 2020-21 Fiscal Year Pursuant to the Wastewater Treatment and Disposal Agreement with the Santa Ana Watershed Project Authority ("SAWPA")".

AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc

NOES:NoneABSENT:Brad Avery and Tim ShawABSTENTIONS:None

14. TRIPLE QUADRUPOLE MASS SPECTROMETER (TQMS)

2020-1120

Originator: Lan Wiborg

MOVED, SECONDED, AND DULY CARRIED TO:

Approve a purchase order to VWR for a Triple Quadrupole Mass Spectrometer (TQMS) System in the amount of \$277,228.34 (including the TQMS system, freight, sales tax, and two (2) year extended warranty) in accordance with Ordinance No. OCSD-52, Section 2.03(B): Cooperative Procurement; (NASPO Value Point Master Agreement No. MA16000234-2 created by the State of Idaho which California (CA) agencies may utilize (CA Participating Addendum No. 7-16-99-26-01)).

AYES:	Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc
NOES:	None
ABSENT:	Brad Avery and Tim Shaw
ADSTENTIONS	None

ABSTENTIONS: None

15. 2020-21 PROPERTY - LIABILITY INSURANCE RENEWALS

2020-1121

Originator: Lorenzo Tyner

Approve the Orange County Sanitation District FY 2020-21 Property-Liability Insurance Renewals for the not-to-exceed amounts specified below:

Property and Boiler & Machinery - Not to Exceed	\$ 1,151,935
Excess General Liability Insurance - Not to Exceed	\$ 745,336
Excess Workers' Compensation Insurance - Not to Exceed	\$ 207,000
Earthquake Insurance - Not to Exceed	\$ 100,000
TOTAL	\$ 2,204,271

- AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc
 NOES: None
- **ABSENT:** Brad Avery and Tim Shaw

ABSTENTIONS: None

LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE:

None.

STEERING COMMITTEE:

16. GENERAL MANAGER'S FY 2019-2020 WORK PLAN YEAR-END <u>2020-1131</u> UPDATE

Originator: Jim Herberg

WITHOUT OBJECTION, ACTION TAKEN TO:

Receive and file the General Manager's FY 2019-2020 Work Plan Year-End Update.

Chair Shawver Recessed the OCSD Board of Directors Meeting at 6:25 p.m.

ORANGE COUNTY SANITATION DISTRICT FINANCING CORPORATION

CALL TO ORDER

Chair Shawver called the Board of Directors, Orange County Sanitation District Financing Corporation meeting to order at 6:26 p.m.

ROLL CALL & DECLARATION OF QUORUM

Kelly Lore, Secretary of the Financing Corporation, declared a quorum present as follows:

PRESENT:Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman,
Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra
Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve
Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson,
David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad
Wanke, John Withers and Mariellen YarcABSENT:Brad Avery and Tim Shaw

Kelly Lore, Secretary of the Financing Corporation, announced that the members of the Orange County Sanitation District Board of Directors are each being compensated \$212.50 for the Board of Directors Meeting; there is no additional compensation for the Financing Corporation Meeting.

APPROVAL OF MINUTES:

FC-1 APPROVAL OF MINUTES - FINANCING CORPORATION

2020-1089

Originator: Kelly Lore

WITHOUT OBJECTION, ACTION TAKEN TO:

Approve Minutes of the Regular Meeting of the Orange County Sanitation District Financing Corporation of June 26, 2019.

INFORMATION ITEMS:

FC-2 ANNUAL STATUS REPORT OF THE ORANGE COUNTY SANITATION <u>2020-1088</u> DISTRICT FINANCING CORPORATION

Originator: Lorenzo Tyner

Assistant General Manager Lorenzo Tyner provided a verbal overview of the annual status report.

WITHOUT OBJECTION, ACTION TAKEN TO:

Receive and file the Annual Status Report of the Orange County Sanitation District Financing Corporation.

Chair Shawver adjourned the meeting of the Board of Directors, Orange County Sanitation District Financing Corporation at 6:28 p.m.

BOARD OF DIRECTORS	Minutes	June 24, 2020

Chair Shawver reconvened the Orange County Sanitation District Board of Directors meeting at 6:29 p.m.

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

NON-CONSENT:

17. PROPOSED FY 2020-21 AND FY 2021-22 BUDGET 2020-1122

Originator: Lorenzo Tyner

General Manager Herberg provided a brief summary of the proposed budget and rate adjustment.

A. Reduce the approved Fiscal Year 2020-2021 Single Family Residential (SFR), Multi-Family Residential (MFR) rates, and Industrial Dischargers Charge for Use (see attachment) as follows:

	SFR* <u>Approved</u>	MFR <u>Approved</u>	SFR* <u>Proposed</u>	MFR <u>Proposed</u>
July 1, 2020	\$343.00	\$240.10	\$339.00	\$237.30
July 1, 2021	\$347.00	\$242.90	\$343.00	\$240.10
July 1, 2022	\$351.00	\$245.70	\$347.00	\$242.90

*The SFR is the underlying rate for the Sanitation District's primary rate structure and as such other components

of the rate structure will be adjusted accordingly.

B. Approve the proposed Operating, Capital, Debt Service, and Self-Insurance Budgets for FY 2020-21 and FY 2021-22 as follows:

	FY 2020-21	FY 2021-22
Net Operating	\$ 174,315,516	\$ 174,470,159
Self-Insurance - Workers' Comp	\$ 780,000	\$ 800,000
Self-Insurance - Property & Gen. Liability	\$ 2,080,000	\$ 2,140,000
Net Capital Improvement Program	\$ 147,562,000	\$ 240,846,000
Debt/COP Service (1)	\$ 72,838,369	\$ 168,936,869
Intra-District Joint Equity Purchase/Sale(2)	\$ 3,500,000	\$ 3,500,000
Total	\$ 401,075,885	\$ 590,693,028

(1).Includes \$102,200,000 in maturing debt (2).Cash to/from Revenue Area 14 (RA14) in exchange for capital

assets to/from Consolidated Revenue Area 15 (RA15)

AYES: Allan Bernstein, Doug Chaffee, Robert Collacott, James Ferryman, Steve Jones, Brooke Jones, Peter Kim, Lucille Kring, Sandra Massa-Lavitt, Nelida Mendoza, Mark Murphy, Richard Murphy, Steve Nagel, Andrew Nguyen, Glenn Parker, Erik Peterson, Tim Shaw, David Shawver, Christina Shea, Jesus Silva, Fred Smith, Chad Wanke, John Withers and Mariellen Yarc
 NOES: None
 ABSENT: Brad Avery

ABSTENTIONS: None

INFORMATION ITEMS:

None.

AB 1234 DISCLOSURE REPORTS:

Director Ferryman provided information on his upcoming meetings.

CLOSED SESSION:

<u>CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS</u> 54956.9(d)(4):

The Board convened in closed session at 6:38 p.m. to discuss one item. Confidential minutes of the Closed Session have been prepared in accordance with the above Government Code Section 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 ANTICIPATED2020-1018LITIGATION - GOVERNMENT CODE SECTION 54956.9(d)(4)2020-1018

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

RECONVENED IN REGULAR SESSION.

The Board reconvened in regular session at 7:16 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.

On behalf of the entire Board, Chair Shawver expressed condolence to Director Ferryman and his family on the recent loss of his son.

Mr. Herberg announced the passing of former employee Bill Clarke who served as the OCSD

BOARD OF DIRECTORS

Minutes

Plant Superintendent from 1961 - 1989 and requested the Chair adjourn the meeting in his memory.

ADJOURNMENT:

At 7:19 p.m., Chair Shawver adjourned the meeting until the Regular Meeting of the Board of Directors to be held on July 22, 2020 at 6:00 p.m. in memory of former OCSD Plant Superintendent Bill Clarke.

Submitted by:

12)

Kelly A. Lore, MMC Clerk of the Board