

**AGENDA**

**BOARD OF DIRECTORS  
ORANGE COUNTY SANITATION DISTRICT**

**ADMINISTRATIVE OFFICE**

**REGULAR MEETING**

**September 23, 2009 – 6:30 P.M.**

**INVOCATION AND PLEDGE OF ALLEGIANCE** (Los Alamitos – Troy Edgar)

**ROLL CALL**

**PUBLIC COMMENTS**

**REPORTS:** The Chair, General Manager and General Counsel 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.

1. Ratifying payment of claims of the District, by roll call vote, as follows:

<u>ALL DISTRICTS</u>	<u>08/15/09</u>	<u>08/31/09</u>
Totals	\$ 18,083,506.11	\$ 13,924,142.64

**DIRECTORS:** Pursuant to Government Code Section 84308, you are required to disclose any campaign contribution greater than \$250 received in the past twelve months from any party to a contract involving OCSD. This requires that you identify the contributor by name. Further, you may not participate in the decision making process to award a contract to such party. For reference, you are directed to the Register of Warrants as to all current contractors/vendors with OCSD. For the specifics of Government Code Section 84308, please see your Director's Handbook or call the office of General Counsel.

**CONSENT CALENDAR (2 - 4)**

Consideration of motion to approve all agenda items appearing on the Consent Calendar not specifically removed from same, as follows:

2. Approve the minutes for the regular meeting held on August 26, 2009, to be filed and deemed approved, as mailed.

3.
  - a) Approve a budget Increase of \$153,000 for a total project budget not to exceed \$983,000 for Santa Ana River Interceptor, 2009-10 Protection Repairs, Contract No. 2-41-6;
  - b) Approve Plans and Specifications for Santa Ana River Interceptor, 2009-10 Protection Repairs, Contract No. 2-41-6, on file at the office of the Clerk of the Board;
  - c) Receive and file bid tabulation and recommendation;
  - d) Award a contract to Jamison Engineering Contractors, Inc. for Santa Ana River Interceptor 2009-10 Protection Repairs, Contract No. 2-41-6 (Specification No. FR-2009-433BD) for an amount not to exceed \$552,244.70; and,
  - e) Approve a contingency of \$55,225 (10%).
4. Adopt Resolution No. 09-13, Encouraging the Orange County Board of Supervisors to expedite the Certification of the Environmental Impact Report for the Realignment and Protection of the Santa Ana River Interceptor.

#### **STEERING COMMITTEE (5)**

5. Order Steering Committee Minutes for the regular meeting held on August 23, 2009 to be filed.

#### **OPERATIONS COMMITTEE (6 – 11)**

6. Order Operations Committee minutes for the meeting held on September 2, 2009 to be filed.
7. Approve a budget amendment in the amount of \$137,518 for Rehabilitation of District Siphons, Contract No. 2-68, for a total budget of \$8,141,518.
8.
  - a) Approve a Budget increase of \$516,000 for Rehabilitation of Westside Pump Station, Contract No. 3-52, for a total budget amount of \$11,025,000; and
  - b) Approve a contingency increase of \$176,550 (3%) to the construction contract with Norm A. Olsson Construction, Inc., for Rehabilitation of Westside Pump Station, Contract No. 3-52, for a total contingency of \$470,800 (8%).
9. Approve a reduction in retention to not less than 1% (\$282,715) of the total contract amount for the Construction Contract with J. F. Shea Construction, Inc. for Ellis Avenue Pump Station Construction, Contract No. I-10B.
10. Approve a Quitclaim Grant of Property Rights in Sewer Pipeline and Assignment of Accompanying Easement Rights from Orange County Sanitation District to the Costa Mesa Sanitary District, in the amount not to exceed \$1,300,000, in a form approved by General Counsel.

11. a) Authorize the General Manager to issue a Request for Proposal for Design-Build Services to the three most qualified firms for Rehabilitation of Magnolia Trunk Sewer, Contract No. 3-58; and,  
  
b) Authorize the General Manager to negotiate a Design-Build Contract Agreement for said project with the Design-Build firm providing "best value," as defined by the Public Contract Code, to be awarded by the Board of Directors at a future meeting.

#### **ADMINISTRATION COMMITTEE (12 - 13)**

12. Order Administration Committee minutes for the regular meeting held on September 2, 2009 to be filed.
13. Authorize the General Manager to issue Refunding Certificates of Participation, Series 2009B, in one-year fixed-rate certificate anticipation notes in an amount not to exceed \$181 million to replace the \$176 million Refunding Certificates of Participation, Series 2008C certificate anticipation notes maturing in December 2009.

#### **GWR SYSTEM STEERING COMMITTEE (14)**

14. Approve Joint Groundwater Replenishment System Steering Committee minutes for the meeting held on August 10, 2009, to be filed.

#### **NON-CONSENT CALENDAR (15 - 16)**

15. Approve an Out of Service Area Sewer Service and Connection Agreement with the Board of Water Commissioners of the City of Long Beach to accept sewage flow from the Haynes Generating Station, in a form approved by General Counsel.
16. Ordinance No. OCSD-39, An Ordinance of the Board of Directors of Orange County Sanitation District, Establishing Wastewater Discharge Regulations, Revising Article 1, Section 104, and Repealing Ordinance No. OCSD-37.
  - a. Open public hearing
    1. Receive and file written comments, if any
    2. Verbal reports of staff
    3. Directors' questions
    4. Public comments
  - b. Close public hearing
  - c. Discussion by Board of Directors
  - d. Recommended actions:
    1. Motion to read Ordinance No. OCSD-39 by title only and waive reading of said entire ordinance.

2. Motion to adopt Ordinance No. OCSD-39, An Ordinance of the Board of Directors of Orange County Sanitation District, Establishing Wastewater Discharge Regulations, Revising Article 1, Section 104, and Repealing Ordinance No. OCSD-37.

### **CLOSED SESSION (17)**

**CLOSED SESSION:** During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chair 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 as the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

Convene in closed session, if necessary

17. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54957(b)(1))

Title: General Manager

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**

**ADJOURNMENT** - The next Board of Directors regular meeting is scheduled for October 28, 2009, at 6:30 p.m.

**Agenda Posting:** In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the District's Administrative offices 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 all, of the members of District's Board, are available for public inspection in the office of the Clerk of the Board, located at 10844 Ellis Avenue, Fountain Valley, California.

**Items Not Posted:** In the event any matter not listed on this agenda is proposed to be submitted to the Board for discussion and/or action, it will be done in compliance with Section 54954.2(b) as an emergency item or because there is a need to take immediate action, which need came to the attention of the Board subsequent to the posting of agenda, or as set forth on a supplemental agenda posted in the manner as above, not less than 72 hours prior to the meeting date.

**Public Comments:** Any member of the public may address the Board of Directors on specific agenda items or matters of general interest. As determined by the Chair, speakers may be deferred until the specific item is taken for discussion and remarks may be limited to three minutes.

Matters of interest addressed by a member of the public and not listed on this agenda cannot have action taken by the Board of Directors except as authorized by Section 54954.2(b). If you wish to speak, please complete a Speaker's Form (located at the table outside of the Board Room) and give it to the Clerk of the Board.

**Consent Calendar:** All matters placed on the Consent Calendar are considered as not requiring discussion or further explanation and unless any particular item is requested to be removed from the Consent Calendar by a Director, staff member or member of the public in attendance, there will be no separate discussion of these items. All items on the Consent Calendar will be enacted by one action approving all motions, and casting a unanimous ballot for resolutions included on the consent calendar. All items removed from the Consent Calendar shall be considered in the regular order of business.

Members of the public who wish to remove an item from the Consent Calendar shall, upon recognition by the Chair, state their name, address and designate by number the item to be removed from the Consent Calendar.

The Chair will determine if any items are to be deleted from the Consent Calendar.

**Items Continued:** Items may be continued from this meeting without further notice to a Committee or Board meeting held within five (5) days of this meeting per Government Code Section 54954.2(b)(3).

**Meeting Adjournment:** This meeting may be adjourned to a later time and items of business from this agenda may be considered at the later meeting by Order of Adjournment and Notice in accordance with Government Code Section 54955 (posted within 24 hours).

**Accommodations for the Disabled:** The Board of Directors Meeting Room is wheelchair accessible. If you require any special disability related accommodations, please contact the Orange County Sanitation District Clerk of the Board's office at (714) 593-7130 at least 72 hours prior to the scheduled meeting. Requests must specify the nature of the disability and the type of accommodation requested.

**NOTICE TO DIRECTORS:** To place items on the agenda for the Regular Meeting of the Board of Directors, items shall be submitted to the Clerk of the Board no later than the close of business 14 days preceding the Board meeting. The Clerk of the Board shall include on the agenda all items submitted by Directors, the General Manager and General Counsel and all formal communications.

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Assistant General Manager	Bob Ghirelli	(714) 593-7400	<a href="mailto:rghirelli@ocsd.com">rghirelli@ocsd.com</a>
Clerk of the Board	Penny Kyle	(714) 593-7130	<a href="mailto:pkyle@ocsd.com">pkyle@ocsd.com</a>
Director of Engineering	Jim Herberg	(714) 593-7300	<a href="mailto:jherberg@ocsd.com">jherberg@ocsd.com</a>
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