

Orange County Sanitation District
MINUTES
BOARD MEETING
May 26, 2010



ADMINISTRATIVE OFFICES
10844 ELLIS AVENUE
FOUNTAIN VALLEY, CALIFORNIA 92708-7018

ROLL CALL

A regular meeting of the Board of Directors of the Orange County Sanitation District was held on May 26, 2010 at 6:30 p.m., in the Administrative Offices. Following the Pledge of Allegiance and invocation, the roll was called and the Clerk of the Board reported a quorum present as follows:

ACTIVE DIRECTORS

ALTERNATE DIRECTORS

X	Doug Davert, Chair		John Nielson
X	Larry Crandall, Vice Chair		Steve Nagel
X	John Anderson		Jim Winder
X	Charles Antos		Gordon Shanks
X	Tom Beamish		Rose Espinoza
X	Bill Dalton		Andrew Do
X	Jon Dumitru		Denis Bilodeau
X	Troy Edgar		Ken Stephens
X	James M. Ferryman		Bob Ooten
X	Cathy Green		Jill Hardy
X	Phil Luebben		Prakash Narain
X	Patsy Marshall		Fred Smith
X	Roy Moore		Ron Garcia
X	Joy Neugebauer		Al Krippner
X	Janet Nguyen		VACANT
X	Sharon Quirk-Silva		Pam Keller
X	Brad Reese		Bill Mac Aloney
X	David Shawver		Carol Warren
A	Christina Shea		Steven Choi
X	Harry Sidhu		Lucille Kring
	Sal Tinajero	X	David Benavides
X	Constance Underhill		Scott Nelson
X	Mark Waldman		Henry Charoen
X	Don Webb		Nancy Gardner
X	John Withers		Douglas Reinhart

STAFF MEMBERS PRESENT: Jim Ruth, General Manager; Bob Ghirelli, Assistant General Manager; Penny Kyle, Clerk of the Board; Lilia Kovac, Associate Clerk of the Board; Nick Arhontes; Jim Herberg; Ed Torres; Lorenzo Tyner; Jim Burror; Michael Gold; Norbert Gaia; Juanita Skillman; Wendy Smith; Rob Thompson; Ryal Wheeler; Paula Zeller

OTHERS PRESENT: James Eggert, General Counsel; Gino Rapagna; Drew Kolosky

PUBLIC COMMENTS

There were none.

REPORT OF THE CHAIR

Chair Davert announced that a resolution of commendation on behalf of OCSD was to be presented to retiring Executive Officer Gerry Thibeault of Santa Ana Regional Water Quality Control Board. The meeting schedule for the month of June was reviewed.

General Manager, Jim Ruth, provided a status of agency agreements with SAWPA, IRWD, SARI Line and GWRS, and a draft recycling agreement with the city of Anaheim. Mr. Ruth also reported on the status of the budget, sewer transfers to IRWD, Orange, Tustin and Newport Beach. He also reported that labor negotiations with the Supervisory/Professional/Managers Team were underway.

1. a) This being the annual meeting fixed by the Board at which nominations are to be made for the office of Chair and Vice Chair of the Orange County Sanitation District, Board Chair Davert declared the nominations open.

Director Larry Crandall was nominated as a candidate for the office of Chair of the Orange County Sanitation District. Rules of Procedure for the Conduct of Business allow for a vote the same day as nominations, in the event there is only one nominee for each position. The vote was polled and the Clerk of the Board cast the unanimous ballot for Director Larry Crandall as the Chair of the Orange County Sanitation District.

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- b) Director Troy Edgar was nominated as a candidate for the office of Vice Chair of the Orange County Sanitation District. A vote was polled and the Clerk of the Board cast the unanimous ballot for Director Troy Edgar as the Vice Chair of the Orange County Sanitation District.

RATIFICATION OF PAYMENT OF CLAIMS

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2. **MOVED, SECONDED AND DULY CARRIED:** Ratify payment of claims, as set forth on Exhibits "A" and "B", attached hereto and made a part of these minutes.

<u>ALL DISTRICTS</u>	<u>04/15/10</u>	<u>04/30/10</u>
Totals	\$16,737,865.80	\$9,443,362.63

Directors Dumitru, Nguyen, Sidhu and Benavidez abstained from discussion and voting on all warrants; Director Nguyen abstained from discussion and voting on all warrants. Abstentions were pursuant to California Government Code Section 84308.

CONSENT CALENDAR

3. **MOVED, SECONDED AND DULY CARRIED:** Approve the minutes for the regular meeting held on April 28, 2010.
4. **MOVED, SECONDED AND DULY CARRIED:** Approve an Out of Service Area Service Agreement with the Cities of La Habra and Whittier to accept sewage flow from 10905 Valley Home Avenue, Whittier, in a form approved by General Counsel.
5. **MOVED, SECONDED AND DULY CARRIED:** Approve Amendment No. 2 to Cooperative Projects Grants Program Contract No. 0502 with the City of Newport Beach, providing for reallocation of grant funds to other tasks within said contract with no additional funding, in a form approved by General Counsel.
6. **MOVED, SECONDED AND DULY CARRIED:** a) Approve an Agreement with Irvine Ranch Water District (IRWD) to transfer the Orange Park Acres area from the Consolidated Revenue Area to Revenue Area 14; and,

b) Authorize a \$274,681.24 credit to IRWD for past capacity and annexation fees collected by the Orange County Sanitation District in the area transferred to Revenue Area 14, in a form approved by General Counsel.
7. **MOVED, SECONDED AND DULY CARRIED:** Approve Flow Accommodation Agreement with County Sanitation District No. 18 of Los Angeles County from June 8, 2010 to June 7, 2011, incorporating by reference the terms of an existing 50-year Agreement scheduled to expire, in a form approved by General Counsel.
8. **MOVED, SECONDED AND DULY CARRIED:** Approve Flow Accommodation Agreement with County Sanitation District No. 19 of Los Angeles County from July 13, 2010 to July 12, 2011, incorporating by reference the terms of an existing 50-year Agreement scheduled to expire, in a form approved by General Counsel.

9. **MOVED, SECONDED AND DULY CARRIED:** Approve the District's policy on Continuing Compliance with Tax Law: Orange County Sanitation District Wastewater Revenue Obligations, Series 2010A (Federally Taxable Build America Bonds)

STEERING COMMITTEE

Chair Davert reported that the committee had received an update on state and federal legislative activity; approved minutes, and met in closed session.

10. **MOVED, SECONDED AND DULY CARRIED:** Order Steering Committee Minutes for the regular meeting held on April 28, 2010 to be filed.
11. **MOVED, SECONDED AND DULY CARRIED:** Approve Santa Ana River Interceptor (SARI) Line Loan and Repayment Agreement No. D07-042 with the Orange County Flood Control District (OCFCD), providing for:
 - a. A loan of up to 60% of the successful bid amount for improvements to the SARI Line not to exceed \$72,000,000;
 - b) No interest accruing until June 2018;
 - c) 3% interest on any unpaid balance through June 30, 2022 and the complete repayment by July 1, 2022; and,
 - d) Authorize the release of \$36,000,000 to OCFCD immediately after the award of the contract, and to allow the remaining balance to be released 12 months later.

OPERATIONS COMMITTEE

12. **MOVED, SECONDED AND DULY CARRIED:** Approve the minutes of the May 5, 2010 Operations Committee meeting.
13. **MOVED, SECONDED AND DULY CARRIED:** a) Approve Professional Services Agreements with Ninyo & Moore and Converse Consultants providing for on-call Materials Testing, Inspection, and Other Geotechnical Testing Services for Collection System and Treatment Plant Projects, PSA2010-001, for a three-year period with an amount not to exceed \$300,000 for each agreement (\$600,000 total); and,
 - b) Approve a contingency for each agreement of \$30,000 (10%).

14. **MOVED, SECONDED AND DULY CARRIED:** a) Approve Professional Services Agreements with Stantec Consulting and Bush and Associates providing for on-call Surveying Services for Collections System and Treatment Plant Projects, PSA2010-002, for a three-year period with an amount not to exceed \$200,000 for each agreement (\$400,000 total); and,

b) Approve a contingency for each agreement of \$20,000 (10%).

15. **MOVED, SECONDED AND DULY CARRIED:** a) Approve Professional Services Agreements with V&A Consulting Engineers, Inc. and CSI Services, Inc. providing for on-call Coatings Inspection, Corrosion Testing, and Confined-Space Entry Services for Collections System and Treatment Plant Projects, PSA2010-003, for a three-year period for each agreement for a total amount not to exceed \$400,000 for each agreement, (\$800,000 total); and,

b) Approve a contingency for each agreement of \$40,000 (10%).

16. **MOVED, SECONDED AND DULY CARRIED:** a) Approve request for transfer of \$30,500 from the Generator Truck item to the Jet Rodder item as shown in the Proposed Capital Equipment Budget Detail on FY 2009-10 Budget Update Section A, page 20; and,

b) Approve the purchase of one three-axle Combination Sewer Cleaning Truck with Positive Displacement Blower, for an amount not to exceed \$414,400.

17. **MOVED, SECONDED AND DULY CARRIED:** Approve Amendment No. 10 to the Professional Services Agreement with Integrated Program Management Consultants, a joint venture of Parsons Water and Infrastructure, Inc., and CH2M Hill, Inc., authorizing:

a) Establish an amount not to exceed \$13,770,000 for year nine (Fiscal Year 2010-11) of the ten-year contract; and,

b) Increase the amount of the ten-year contract to a total amount not to exceed \$122,724,978.

Director Dumitru abstained.

ADMINISTRATION COMMITTEE

18. MOVED, SECONDED AND DULY CARRIED: Approve minutes of the May 12, 2010, meeting of the Administration Committee.

GWRS SYSTEM STEERING COMMITTEE

19. MOVED, SECONDED AND DULY CARRIED: Receive and file minutes of the Joint Groundwater Replenishment System Steering Committee meeting held on April 12, 2010.

NON-CONSENT CALENDAR

20. Ordinance No. OCSD-40, An Ordinance of the Board of Directors of the Orange County Sanitation District Establishing Capital Facilities Capacity Charges; Adopting Miscellaneous Charges and Fees Relating to Industrial Charges, Source Control Permittees and Wastehaulers; and Repealing Ordinance No. OCSD-36:
 - a. OPEN PUBLIC HEARING: Chair Davert declared the public hearing opened at: 7:03 p.m.

The Director of Finance and Administrative Services, Lorenzo Tyner, announced the Sanitation District received one letter and six phone calls supporting the ordinance.
 - b. CLOSE PUBLIC HEARING: Chair Davert declared the public hearing closed at 7:07 p.m.
 1. MOVED, SECONDED AND DULY CARRIED: Motion to read Ordinance No. OCSD-40 by title only and waive reading of said entire ordinance.
 2. MOVED, SECONDED AND DULY CARRIED: Motion to adopt Ordinance No. OCSD-40, An Ordinance of the Board of Directors of the Orange County Sanitation District Establishing Capital Facilities Capacity Charges; Adopting Miscellaneous Charges and Fees Relating to Industrial Charges, Source Control Permittees and Wastehaulers; and Repealing Ordinance No. OCSD-36.

Ayes: Charles Antos, Tom Beamish, Larry Crandall, Bill Dalton, Doug Davert, Jon Dumitru, Troy Edgar, Jim Ferryman, Cathy Green, Phil Luebben, Patsy Marshall, Roy Moore, Joy Neugebauer, Janet Nguyen, Sharon Quirk-Silva, Dave Shawver, David Benavides, Connie Underhill, Mark Waldman, Don Webb, John Withers

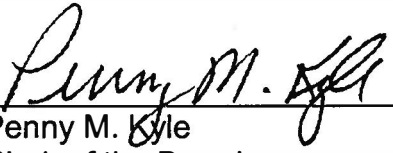
Noes: John Anderson, Brad Reese, Harry Sidhu

Absent: Christina Shea

CLOSED SESSION

There was no closed session.

ADJOURNMENT: The Chair declared the meeting adjourned at 7:10 p.m.



Penny M. Kyle
Clerk of the Board
Orange County Sanitation District