

Orange County Sanitation District

MINUTES

BOARD MEETING

April 28, 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 April 28, 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
	Jon Dumitru	X	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
X	Christina Shea		Steven Choi
A	Harry Sidhu		Lucille Kring
X	Sal Tinajero		David Benavides
X	Constance Underhill		Scott Nelson
X	Mark Waldman		Henry Charoen
	Don Webb	X	Nancy Gardner
X	John Withers		Douglas Reinhart

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

OTHERS PRESENT: Brad Hogin, General Counsel; Alternate Director Bob Ooten; Gino Rapagna; Drew Kolosky; Mike Moore

PUBLIC COMMENTS

There were none.

REPORT OF THE CHAIR

Chair Davert reviewed the meeting schedule for May, and acknowledged Nick Arhontes, who presented an award to Dave Usher for his outstanding service as founder and dedicated member of OCSD's Medical team.

RATIFICATION OF PAYMENT OF CLAIMS

1. **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>03/15/10</u>	<u>03/31/10</u>
Totals	\$13,178,612.53	\$23,945,395.05

Alternate Director Bilodeau abstained from discussion and voting on warrant number 29455; Director Nguyen abstained from discussion and voting on all warrants. Abstentions were pursuant to California Government Code Section 84308.

CONSENT CALENDAR

2. **MOVED, SECONDED AND DULY CARRIED:** Approve the minutes for the regular meeting held on March 24, 2010.

Alternate Director Bilodeau abstained.

3. **MOVED, SECONDED AND DULY CARRIED:** Approve Agreement with the City of Fountain Valley for Permitting Improvements of the Orange County Sanitation District within the City of Fountain Valley, in a form approved by General Counsel.

STEERING COMMITTEE

Chair Davert briefly reported on the Honor Walk ceremony and on the 2010 Innovative Vision Award presented by SAWPA at the Water Conference, accepted by Jim Ferryman on behalf of the Sanitation District.

4. MOVED, SECONDED AND DULY CARRIED: Order Steering Committee Minutes for the regular meeting held on March 24, 2010 to be filed.
5. MOVED, SECONDED AND DULY CARRIED: Approve the Irvine Ranch Water District (IRWD) (As Successor to County Sanitation District No. 14) Solids Agreement transferring IRWD solids to the OCSD Wastewater System and reimbursing OCSD for its costs, in a form approved by General Counsel.

OPERATIONS COMMITTEE

6. MOVED, SECONDED AND DULY CARRIED: Approve the revised minutes of the April 7, 2010 Operations Committee meeting.
7. MOVED, SECONDED AND DULY CARRIED: a) Approve Change Order No. 2 to Purchase Order No. 103530-OB issued to Jamison Engineering Contractors, Inc. for On-Call Contractor Support Services, Specification No. CS-2009-403BD, for the period July 1, 2009 through June 30, 2010, authorizing an additional amount of \$97,957.33, increasing the total annual amount not to exceed \$350,000;

b) Approve Change Order No. 3 to Purchase Order No. 103530-OB issued to Jamison Engineering Contractors, Inc. for On-Call Contractor Support Services, Specification No. CS-2009-403BD, for the period July 1, 2010 through June 30, 2011, authorizing an additional amount of \$247,957.33, increasing the total annual amount not to exceed \$500,000.00; and,

c) Approve a contingency for the period July 1, 2010 through June 30, 2011, of \$50,000 (10%).
8. MOVED, SECONDED AND DULY CARRIED: a) Approve plans and specifications for the P1 Outfall Pipeline Disconnects at Scrubber Overflow, Project No. FE03-42, on file at the office of the Clerk of the Board;

b) Receive and file bid tabulation and recommendation;

c) Reject low bid from Mike Prlich and Sons, Inc. as "Non Responsive" due to its failure to provide required OSHA 300/300A Logs and Summaries.

- d) Award a Construction Contract to Engineering/Remediation Resources Group, Inc. for P1 Outfall Pipeline Disconnects at Scrubber Overflow, Project No. FE03-42, for a total amount not to exceed \$93,730; and,
 - e) Approve a contingency of \$23,430 (25%).
9. **MOVED, SECONDED AND DULY CARRIED:** Approve a contingency increase of \$76,050 (23%) to the Professional Design Services Agreement with MVA Architects, Inc. for North County Collections Yard, Contract No. 15-04, providing for design services for a total contingency of \$125,648 (38%).
10. **MOVED, SECONDED AND DULY CARRIED:** a) Approve Amendment No. 3 to the Professional Services Agreement with Tetra Tech, Inc., providing for additional engineering services for Gisler-Redhill Trunk Improvements, Reach B, Contract No. 7-37, for an additional amount of \$350,000, increasing the total amount not to exceed \$905,779; and,
b) Approve a contingency of \$45,289 (5%).
11. **MOVED, SECONDED AND DULY CARRIED:** Approve a contingency increase of \$84,000 (6%) to the construction contract with Colich and Sons, Inc., for Bayside Drive Improvement, Contract No. 5-61, for a total contingency of \$168,000 (12%).

ADMINISTRATION COMMITTEE

12. **MOVED, SECONDED AND DULY CARRIED:** Approve minutes of the April 14, 2010, meeting of the Administration Committee, as corrected.
13. **MOVED, SECONDED AND DULY CARRIED:** Adopt Resolution No. OCSD 10-05, a Resolution of the Board of Directors of the Orange County Sanitation District authorizing the execution and delivery by the District of an Installment Purchase Agreement, Trust Agreement, and Continuing Disclosure Agreement in connection with the execution and delivery of Orange County Sanitation District Certificates of Participation to be referred to as Wastewater Revenue Obligations – Series 2010A, authorizing the execution and delivery of such Revenue Obligations in an aggregate amount of not to exceed \$80,000,000, approving a Notice of Intention to Sell, authorizing the distribution of an Official Notice Inviting Bids and an Official Statement in connection with the offering and sale of such Revenue Obligations, and authorizing the execution and delivery of necessary documents and related actions.

GWRS SYSTEM STEERING COMMITTEE

14. Vice Chair Crandall briefly reported the status of the Groundwater and the completion of the working agreement with OCSD.

MOVED, SECONDED AND DULY CARRIED: Verbal report of the Joint Groundwater Replenishment System Steering Committee meeting held on April 12, 2010.

NON-CONSENT CALENDAR

15. MOVED, SECONDED AND DULY CARRIED: Approve Amended Joint Exercise of Powers Agreement for the Development, Operation, and Maintenance of the Groundwater Replenishment System and Green Acres Project.
16. MOVED, SECONDED AND DULY CARRIED: 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. Read Ordinance No. OCSD-40 by title only and waive reading of said entire ordinance.
 - b. Introduce Ordinance No. OCSD-40 and pass to second reading and public hearing on May 26, 2010.

Director Bilodeau abstained. Directors Anderson, Marshall, Nguyen, Reese and Underhill opposed.

Chair Davert declared a recess of the Board of Directors of the Orange County Sanitation District at 7:00 p.m.

ORANGE COUNTY SANITATION DISTRICT FINANCING CORPORATION

A regular meeting of the Board of Directors of the Orange County Sanitation District Financing Corporation was held on April 28, 2010 at 7:01 p.m., in the Administrative Offices. 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
A	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
	Jon Dumitru	X	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
X	Christina Shea		Steven Choi
A	Harry Sidhu		Lucille Kring
X	Sal Tinajero		David Benavides
X	Constance Underhill		Scott Nelson
X	Mark Waldman		Henry Charoen
	Don Webb	X	Nancy Gardner
X	John Withers		Douglas Reinhart

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

OTHERS PRESENT: Brad Hogin, General Counsel

17. b. **MOVED, SECONDED AND DULY CARRIED:** Approve the minutes for the meeting held on October 28, 2009.
- c. Lorenzo Tyner, Director of Finance, reported that the Financing Corporation would need to adopt Resolution No. FC-11 in order to proceed with the Refunding Certificates of Participation referred to as, Wastewater Revenue Obligations – Series 2010A, for an amount not to exceed \$80,000,000.
- d. Adopt Resolution No. FC-11, Authorizing the Execution and Delivery by the Corporation of an Installment Purchase Agreement, Trust Agreement, and Continuing Disclosure Agreement in Connection with the Execution and Delivery of Orange County Sanitation District Refunding Certificates of Participation to be referred to as Wastewater Revenue Obligations – Series 2010A, authorizing the Execution and Delivery of Such Revenue Obligations in an Aggregate Amount of Not to Exceed \$80,000,000, approving a Notice of Intention to Sell, authorizing the distribution of an Official Notice Inviting Bids, and an Official Statement in connection with the offering and sale of such Revenue Obligations, and authorizing the execution and delivery of necessary documents and related actions.

Adjournment: The Chair declared the meeting of the Orange County Sanitation District Financing Corporation adjourned at 7:04 p.m.

RECONVENE IN REGULAR SESSION: The Board of Directors of the Orange County Sanitation District reconvened in regular session at 7:05 p.m.

CLOSED SESSION

There was no closed session.

ADJOURNMENT: The Chair declared the meeting adjourned at 7:06 p.m.



Lilia Kovac
Associate Clerk of the Board
Orange County Sanitation District