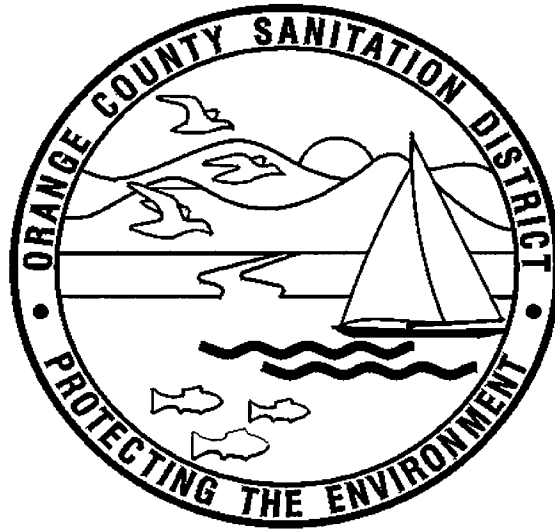


# **Orange County Sanitation District**

## **MINUTES**

### **BOARD MEETING**

**January 28, 2015**



**Administration Building  
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 January 28, 2015, at 6:00 p.m., in the Administration Building. Director Fred Smith delivered the invocation and led the Pledge of Allegiance.

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

### ACTIVE DIRECTORS

### ALTERNATE DIRECTORS

|   |                                  |   |                     |
|---|----------------------------------|---|---------------------|
| X | Tom Beamish, Chair               |   | Rose Espinoza       |
| X | John Nielsen, Vice-Chair         |   | Allan Bernstein     |
| X | David Benavides                  |   | Sal Tinajero        |
| X | Steven Choi                      |   | Lynn Schott         |
| X | Keith Curry                      |   | Scott Peotter       |
| X | Ellery Deaton                    |   | Sandra Massa-Lavitt |
| X | Tyler Diep                       |   | Joy Neugebauer      |
| X | James M. Ferryman                |   | Bob Ooten           |
| X | Steven Jones                     |   | Kris Beard          |
| X | Jim Katapodis                    |   | Erik Peterson       |
| X | Robert Kiley                     |   | Michael Beverage    |
| X | Peter Kim                        |   | Michele Steggell    |
| X | Lucille Kring                    |   | Jordan Brandman     |
| X | Greg Mills                       |   | Robert Collacott    |
| X | Richard Murphy                   |   | Shelley Hasselbrink |
| X | Steve Nagel                      |   | Michael Vo          |
|   | VACANT – OC Board of Supervisors | A | Shawn Nelson        |
| X | Glenn Parker                     |   | Cecilia Hupp        |
| X | Gregory Sebourn                  |   | Jan Flory           |
| X | David Shawver                    |   | Carol Warren        |
| X | Fred Smith                       |   | Steve Berry         |
|   | Teresa Smith                     | X | Mark Murphy         |
| X | Chad Wanke                       |   | Constance Underhill |
| X | John Withers                     |   | Douglas Reinhart    |
|   | Mariellen Yarc                   | X | Stacy Berry         |

**STAFF MEMBERS PRESENT:** Jim Herberg, General Manager; Bob Ghirelli, Assistant General Manager; Rob Thompson, Director of Engineering; Jeff Reed, Director of Human Resources; Lorenzo Tyner, Director of Finance & Administrative Services; Maria Ayala, Clerk of the Board; Eddie Baker; Jennifer Cabral; Ron Coss; Mark Esquer; Norbert Gaia; Al Garcia; Stephanie Good; Kelly Lore; Mark Mutz; Andrew Nau; Michael Puccio; and Rich Spencer; Paula Zeller.

**OTHERS PRESENT:** Brad Hogin (General Counsel); Steve Filarsky (Consultant); Sandra Massa-Lavitt (Alternate Director, Seal Beach); Robert Ooten (Alternate Director, CMSD); and Jim Ruth (Consultant)

**PUBLIC COMMENTS:**

Mark Mutz and Eddie Baker (OCSD employees) each spoke on the many contributions their labor group (bargaining unit Local 501) provides to the District, and the importance of a new fair labor agreement.

**SPECIAL PRESENTATIONS:**

General Manager, Jim Herberg, introduced Jeff Reed, Director of Human Resources and recognized him for his retirement after his 27 years of service to the District. Mr. Reed said a few words, thanking the OCSD Board and staff, and speaking to the importance of the District’s mission and future.

**REPORTS:**

Chair Beamish reported on the recent Board Orientation. He took a quick survey of those who would be interested in attending a potential second session. He announced that additional information to come on a second session.

He also announced that the Groundwater Replenishment System (GWRS) Steering Committee Chair position rotates from year to year, and this year he will be Chairing this committee.

Mr. Herberg announced that Clerk of the Board, Maria Ayala would also be leaving the District for other employment. Mr. Herberg thanked Ms. Ayala for her service to the District. Ms. Ayala thanked the District and the Board.

General Manager, Jim Herberg, gave a brief report from his Monthly Update, which included: Update on the General Manager’s Workplan; internal reorganization of facilities engineering division; HR partnership with CMSD; etc.

- 1. **MOVED, SECONDED, AND DULY CARRIED TO:** Receive and file Minute Excerpts of member agencies relating to appointments to the Orange County Sanitation District Board, as follows:

| <u>City / Agency</u>         | <u>Active Director</u> | <u>Alternate Director</u> |
|------------------------------|------------------------|---------------------------|
| Anaheim                      | Lucille Kring          | Jordan Brandman           |
| Costa Mesa Sanitary District | James Ferryman         | Robert Ooten              |
| Fountain Valley              | Steve Nagel            | Michael Vo                |
| Garden Grove                 | Steve Jones            | Kris Beard                |
| Irvine                       | Steven Choi            | Lynn Schott               |
| Irvine Ranch Water District  | John Withers           | Douglas Reinhart          |
| Newport Beach                | Keith Curry            | Scott Peotter             |
| Seal Beach                   | Ellery Deaton          | Sandra Massa-Lavitt       |
| Stanton                      | David Shawver          | Carol Warren              |
| Yorba Linda Water District   | Robert R. Kiley        | Michael J. Beverage       |
| Anaheim                      | Lucille Kring          | Jordan Brandman           |

**CONSENT CALENDAR:**

2. **MOVED, SECONDED, AND DULY CARRIED TO:** Approve minutes for the Regular Board Meeting held on December 17, 2014.

**AYES:** Beamish; Benavides; Choi; Curry; Diep; Ferryman; Jones; Kim; Kring; Mills; R. Murphy; Nagel; Nielsen; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** None

**ABSTENTIONS:** Berry (Alternate); Deaton; Katapodis; Kiley; M. Murphy (Alternate); and Parker

**ABSENT:** Nelson (Alternate)

3. **MOVED, SECONDED, AND DULY CARRIED TO:** Approve minutes for the Special Board Meeting held on January 14, 2015.

**AYES:** Beamish; Benavides; Choi; Curry; Diep; Ferryman; Jones; Katapodis; Kim; Kring; Mills; R. Murphy; Nagel; Nielsen; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** None

**ABSTENTIONS:** Berry (Alternate); Deaton; Kiley; M. Murphy (Alternate); and Parker

**ABSENT:** Nelson (Alternate)

4. **MOVED, SECONDED, AND DULY CARRIED TO:** Approve Amendment No. 1 to the Professional Consultant Services Agreement with Brown & Caldwell to provide construction support services for Newport Force Main Rehabilitation, Project No. 5-60, for \$251,610 increasing the total amount not to exceed \$2,483,535.

**AYES:** Beamish; Benavides; Berry (Alternate); Choi; Curry; Deaton; Diep; Ferryman; Jones; Katapodis; Kiley; Kim; Kring; Mills; M. Murphy (Alternate); R. Murphy; Nagel; Nielsen; Parker; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** None

**ABSTENTIONS:** None

**ABSENT:** Nelson (Alternate)

5. **MOVED, SECONDED, AND DULY CARRIED TO:**

- A. Approve an increase in the budget for Final Effluent Sampler and Building Area Upgrades, Project No. J-110, by \$1,203,000 for a total project budget of \$15,973,000;
- B. Approve a decrease in the budget for Site and Security Improvements at Plant No. 2, Project No. P2-96, by \$1,203,000 for a total project budget of \$252,000;
- C. Receive and file bid tabulation and recommendation;
- D. Award a construction contract to Shimmick Construction for Final Effluent Sampler and Building Area Upgrades, Project No. J-110, and Site and Security Improvements at Plant No. 2, Project No. P2-96, for a total amount not to exceed \$9,716,000; and
- E. Approve a contingency of \$485,800 (5%) for the combined projects Final Effluent Sampler and Building Area Upgrades, Project No. J-110, and Site and Security Improvements at Plant No. 2, Project No. P2-96.

**AYES:** Beamish; Benavides; Berry (Alternate); Choi; Curry; Deaton; Diep; Ferryman; Jones; Katapodis; Kiley; Kim; Kring; Mills; M. Murphy (Alternate); R. Murphy; Nagel; Nielsen; Parker; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** None

**ABSTENTIONS:** None

**ABSENT:** Nelson (Alternate)

**STEERING COMMITTEE:**

6. **MOVED, SECONDED, AND DULY CARRIED TO:** Approve minutes for the Steering Committee Meeting held on December 17, 2014.

**AYES:** Beamish; Benavides; Berry (Alternate); Choi; Curry; Deaton; Diep; Ferryman; Jones; Katapodis; Kiley; Kim; Kring; Mills; M. Murphy (Alternate); R. Murphy; Nagel; Nielsen; Parker; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** None

**ABSTENTIONS:** None

**ABSENT:** Nelson (Alternate)

7. **MOVED, SECONDED, AND DULY CARRIED TO:** Adopt Resolution No. OCSD 15-01, entitled, "A Resolution of the Board of Directors of Orange County Sanitation District Fixing and Establishing Rules of procedure for the Conduct of Business of the District, and Repealing Resolution No. OCSD 10-06."

**AYES:** Beamish; Benavides; Berry (Alternate); Choi; Curry; Deaton; Diep; Ferryman; Jones; Katapodis; Kiley; Kim; Kring; Mills; M. Murphy (Alternate); R. Murphy; Nagel; Nielsen; Parker; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** None

**ABSTENTIONS:** None

**ABSENT:** Nelson (Alternate)

8. **MOVED, SECONDED, AND DULY CARRIED TO:** Approve the Orange County Sanitation District 2015 Legislative Plan.

**AYES:** Beamish; Benavides; Berry (Alternate); Choi; Curry; Deaton; Diep; Ferryman; Jones; Katapodis; Kiley; Kim; Kring; Mills; M. Murphy (Alternate); R. Murphy; Nagel; Nielsen; Parker; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** None

**ABSTENTIONS:** None

**ABSENT:** Nelson (Alternate)

**LEGISLATIVE AND PUBLIC AFFAIRS SPECIAL COMMITTEE:**

9. **MOVED, SECONDED, AND DULY CARRIED TO:** Receive and file the minutes of the January 12, 2015 meeting of the Legislative and Public Affairs Special Committee.

**AYES:** Beamish; Benavides; Berry (Alternate); Choi; Curry; Deaton; Diep; Ferryman; Jones; Katapodis; Kiley; Kim; Kring; Mills; M. Murphy (Alternate); R. Murphy; Nagel; Nielsen; Parker; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** None

**ABSTENTIONS:** None

**ABSENT:** Nelson (Alternate)

**GWRS STEERING COMMITTEE:**

10. **MOVED, SECONDED, AND DULY CARRIED TO:** Receive and file the minutes of the October 13, 2014 meeting of the GWRS Steering Committee.

**AYES:** Beamish; Benavides; Berry (Alternate); Choi; Curry; Deaton; Diep; Ferryman; Jones; Katapodis; Kiley; Kim; Kring; Mills; M. Murphy (Alternate); R. Murphy; Nagel; Nielsen; Parker; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** None

**ABSTENTIONS:** None

**ABSENT:** Nelson (Alternate)

*Directors Curry, Diep, and Jones departing the meeting at about 6:30 p.m.*

**NON-CONSENT:**

Jim Ruth, District Consultant on Labor Negotiations, introduced Item No. 11. Mr. Ruth reported on the negotiations process and timeline, and coming to the agreement with the labor unit on the proposed MOU tonight.

11. **MOVED, SECONDED, AND DULY CARRIED TO:** Adopt Resolution No. OCSD 15-02, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District approving the Memoranda of Understanding between the Orange County Sanitation District and the Supervisory and Professional Management Group, for Fiscal Years 2013/2014, 2014/2015 & 2015/2016."

Clerk of the Board conducted a roll call vote as follows:

**AYES:** Beamish; Benavides; Choi; Deaton; Ferryman; Kring; M. Murphy (Alternate); R. Murphy; Nagel; Nielsen; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** Kim and Mills

**ABSTENTIONS:** Berry (Alternate); Katapodis; Kiley; and Parker

**ABSENT:** Curry; Diep; Jones; and Nelson (Alternate)

General Manager, Jim Herberg, introduced Item No. 12. Mr. Herberg explained the status of the following unrepresented employees, and the process for providing these employees with the same proposal (terms) as to those employees in Agenda Item No. 11.

12. **MOVED, SECONDED, AND DULY CARRIED TO:** Adopt Resolution No. OCSD 15-03, entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District approving Salary and Benefit Adjustments for Unrepresented Exempt Confidential Employees for Fiscal Years 2013/2014, 2014/2015 & 2015/2016."

Clerk of the Board conducted a roll call vote as follows:

**AYES:** Beamish; Benavides; Choi; Deaton; Ferryman; Kring; M. Murphy (Alternate); R. Murphy; Nagel; Nielsen; Sebourn; Shawver; F. Smith; Wanke; and Withers

**NOES:** Kim and Mills

**ABSTENTIONS:** Berry (Alternate); Katapodis; Kiley; and Parker

**ABSENT:** Curry; Diep; Jones; and Nelson (Alternate)

**AB1234 REPORTS:**

Vice-Chair Nielsen reported on having attended the recent CASA Conference in Palm Springs. He briefly reported on the various sessions regarding renewable energy and resources.

Director Ferryman reported on the following from the respective committees he is a member of:

- SARFPA, the potential budget amount SARFPA is scheduled to receive; and, taking a tour in the near future of the Southern Oaks Dam
- OCCOG, the Committee selected Bert Hack as the new Chairman. The following were also elected: Barbara Kogerman to District 13; Steve Nagel to District 15; and Marty Simonoff to District 32.
- Borders Committee, attended an informational session recently (as there was not a quorum)
- GWRS, attended the meeting recently and congratulated Chair Beamish on his new appointment as GWRS Chair.

**INFORMATION ITEMS:**

None.

**CONVENED IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTIONS: 54956.9(d)(2); 54956.9(d)(4) and 54957.6**

The Board convened in closed session at 6:49 p.m. to discuss three items. 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 Meetings.



**RECONVENED IN REGULAR SESSION:** The Board reconvened in regular session at 7:09 p.m.

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

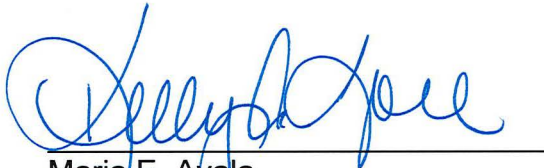
None.

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

Chair Beamish announced the recent appointments of Director Greg Sebourn (Fullerton) as Operations Committee Chair and Director Dave Shawver (Stanton) as Operations Committee Vice-Chair. Director Shawver was also appointed as a Member-at-Large to the Steering Committee.

**ADJOURNMENT:**

The Chair adjourned the meeting at 7:10 p.m. until the Regular Board Meeting on February 25, 2015 at 6:00 p.m.



for  
\_\_\_\_\_  
Maria E. Ayala  
Clerk of the Board