

**Orange County Sanitation District**  
**MINUTES**  
**BOARD MEETING**  
**January 28, 2009**



**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 January 28, 2009 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	Keith Bohr	Don Hansen
X	Bill Dalton	Steven Jones
X	Jon Dumitru	Denis Bilodeau
X	Troy Edgar	Ken Stephens
X	James M. Ferryman	Bob Ooten
X	Phil Luebben	Prakash Narain
X	Patsy Marshall	Fred Smith
X	Roy Moore	Ron Garcia
X	Joy Neugebauer	Al Krippner
X	Chris Norby	Janet Nguyen
X	Sharon Quirk	Pam Keller
X	Brad Reese	Bill MacAloney
X	David Shawver	Carol Warren
X	Christina Shea	Steven Choi
X	Harry Sidhu	Lucille Kring
X	Sal Tinajero	David Benavides
X	Constance Underhill	Joseph Aguirre
X	Mark Waldman	Henry Charoen
X	Don Webb	Leslie Daigle
X	John Withers	Douglas Reinhart

**STAFF MEMBERS PRESENT:** Jim Ruth, General Manager; Bob Ghirelli, Assistant General Manager; Penny Kyle, Clerk of the Board; Nick Arhontes; Jim Herberg; Ed Torres; Lorenzo Tyner; Michael Gold; Norbert Gaia; Lilia Kovac; Jeff Reed; Rich Spencer; Tod Haynes; George Robertson; Mike Moore; Wesley Bauer; Bret Colson; Melissa Woodbridge

**OTHERS PRESENT:** Brad Hogin, General Counsel; Don Bankhead; Darryl Miller; Heather Dion; Christopher Townsend; Eric Saperstein

MOVED, SECONDED AND DULY CARRIED: Receive and file minute excerpts of member agencies relating to appointment of Directors as follows:

<u>City/Agency</u>	<u>Active Director</u>	<u>Alternate Director</u>
Buena Park	Patsy Marshall	Fred Smith
Fullerton	Sharon Quirk	Pam Keller
La Palma	Mark Waldman	Henry Charoen
Orange	Jon Dumitru	Denis Bilodeau
Placentia	Constance Underhill	Joseph Aguirre
Stanton	David Shawver	Carol Warren
Tustin	Doug Davert	John Nielson
Villa Park	Brad Reese	Bill Mac Aloney
Irvine Ranch Water District	John Withers	Douglas Reinhart

#### PUBLIC COMMENTS

There were no public comments.

#### REPORT OF THE CHAIR

Doug Davert, Board Chair, recognized Eric Saperstein, Christopher Townsend and Heather Dion, who briefed the Directors on state and federal activities and what could be expected in the next few months.

It was then announced that Lieutenant Governor Garamendi would be attending a tour of the GWR on Friday, January 30<sup>th</sup>. Former Directors Don Bankhead and Darryl Miller were presented with Resolutions of Commendation for serving on the Sanitation District Board, and employee George Robertson was recognized for 20 years of service.

A brief update was given by the Directors who attended the CASA Conference the prior week: Directors Davert; Crandall; Luebben; Waldman and Ferryman. Director Neugebauer also attended on behalf of Midway City Sanitary District.

Chair Davert announced that John Withers was appointed to the Administration Committee, and Sharon Quirk was appointed to the Operations Committee. Directors Patsy Marshall and Phil Luebben were appointed as Alternates 2 and 3 to the GWR Steering Committee.

#### REPORT OF THE GENERAL MANAGER

General Manager, Jim Ruth, provided a brief overview of his monthly report.

**REPORT OF THE GENERAL COUNSEL**

Brad Hugin, General Counsel, reported there was a need to add an item to the closed session calendar, and such action came to the attention of Orange County Sanitation District after the posting of the agenda.

It was then moved, seconded and duly carried to add the following item to the closed session agenda pursuant to Government Code Section 54954.2(b)(2), re:

Conference with Legal Counsel re anticipated litigation (Subdivision (a) of Sections 54954.2(b)(2), 54956.9)

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One case resulting from a written communication from the BKK Working Group threatening litigation, which communication is available for public inspection pursuant to Government Code Section 54957.5.

**RATIFICATION OF PAYMENT OF CLAIMS**

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

<u>ALL DISTRICTS</u>	<u>12/15/08</u>	<u>12/31/08</u>
Totals	\$21,703,581.50	\$20,099,119.14

Director Crandall abstained from discussion and voting on Warrant No. 16918. Director Dalton abstained from discussion and voting on Warrant Nos. 16876, 16950, and 17249. Director Dumitru abstained from discussion and voting on Warrant Nos. 16918, 16976, and 16950. Director Luebben abstained from discussion and voting on Warrant Nos. 16639, 17117, 17171, and 17347. Director Norby abstained from discussion and voting on Warrant Nos. 16918, 17186, 17282, 17283, 16919, and 16731. Director Shawver abstained from discussion and voting on Warrant No. 17033. Directors Bohr, Quirk, Shea, Sidhu and Withers abstained from discussion and voting on all warrants. Abstentions were pursuant to California Government Code Section 84308.

**CONSENT CALENDAR (3 -7)**

3. **MOVED, SECONDED AND DULY CARRIED:** Approve the minutes for the regular meeting held on December 17, 2008, to be filed and deemed approved, as mailed.

Director Marshall abstained.

4. a) **MOVED, SECONDED AND DULY CARRIED:** Receive and file summons and complaint; Nguyen Q. Nguyen v. Orange County Sanitation District, Orange County Superior Court Case No. 00115222; and,  
b) Authorize General Counsel to appear and defend the interests of the Sanitation District.

5. a) **MOVED, SECONDED AND DULY CARRIED:** Receive and file Summons and Complaint; Florian Ioja, et.al. v. Orange County Sanitation District, Orange County Superior Court Case No. 00116442; and,  
b) Authorize General Counsel to appear and defend the interests of the Sanitation District.
  
6. a) **MOVED, SECONDED AND DULY CARRIED:** Approve Plans and Specifications for the P2 Kinnison Tunnel Fans Improvements, Project No. FE06-04, on file at the office of the Clerk of the Board;  
b) Approve Addendum No. 1 to the plans and specifications;  
c) Receive and file bid tabulation and recommendation;  
d) Award a contract to DenBoer Engineering & Construction, Inc. for the P2 Kinnison Tunnel Fans Improvements, Project No. FE06-04, for an amount not to exceed \$252,200; and,  
e) Approve a contingency of \$37,830 (15%).
  
7. a) **MOVED, SECONDED AND DULY CARRIED:** Authorize the General Manager to procure bids for Safety Training Services, Specification No. CS-2009-402BD, and subsequently award purchase order agreements to qualified firms, for the time period of April 1, 2009 through June 30, 2010, in an amount not to exceed \$312,500, and four one-year renewal options for a total annual amount not to exceed \$250,000 per year; and,  
b) Authorize a 5% annual cost escalation contingency.

**STEERING COMMITTEE (8)**

8. **MOVED, SECONDED AND DULY CARRIED:** Approve the Steering Committee Minutes for the meeting held on December 17, 2008 to be filed.

**GWR SYSTEM STEERING COMMITTEE (9)**

9. Order Joint Groundwater Replenishment System Steering Committee Minutes for the meeting held on December 8, 2008, to be filed.

**NON-CONSENT CALENDAR (10 – 12)**

10. a) **MOVED, SECONDED AND DULY CARRIED:** Approve a Service Agreement with Sachs Electric Company for Central Generation Automation, Job No.

J-79-1, to replace the control systems on eight Central Generation engines for an amount not to exceed \$9,252,315; and

- b) Approve a contingency of \$925,231 (10%).

Directors Beamish, Luebben and Shea removed themselves from the room during consideration of the following item:

11. a) **MOVED, SECONDED AND DULY CARRIED:** Authorize the General Manager to terminate the existing As-Available Capacity and Energy Power Purchase Agreement, QFID 2460, as amended with Southern California Edison in connection with Central Generation System at Plant No. 1, Job No. J-19-1; and,
- b) Approve a Generating Facility Interconnection Agreement, GFID 2790, with Southern California Edison for 66kV Substation at Plant No. 1, Job No. P1-97, in a form approved by General Counsel.

Directors Beamish, Luebben and Shea returned to the room after consideration of the above item.

12. **MOVED, SECONDED AND DULY CARRIED:** Adopt Resolution No. OCSD 09-01, Supporting the Orange County Water District Development of the Initial Expansion of the Groundwater Replenishment System.

**CLOSED SESSION (13 - 17)**

**CONVENE IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):** The Board convened in closed session at 7:26 p.m. pursuant to Government Code Section 54956.8 to discuss five matters (Agenda Item Nos. 13 - 17). Confidential minutes of the Closed Session held by the Board of Directors have been prepared in accordance with California Government Code Section 54957.2 and are maintained by the Clerk of the Board in the official Book of Confidential Minutes of Board and Committee Closed Meetings.

**RECONVENE IN REGULAR SESSION:** The Board reconvened in regular session at 7:55 p.m.

**ADJOURNMENT:** The Chair declared the meeting adjourned at 7:55 p.m.

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