

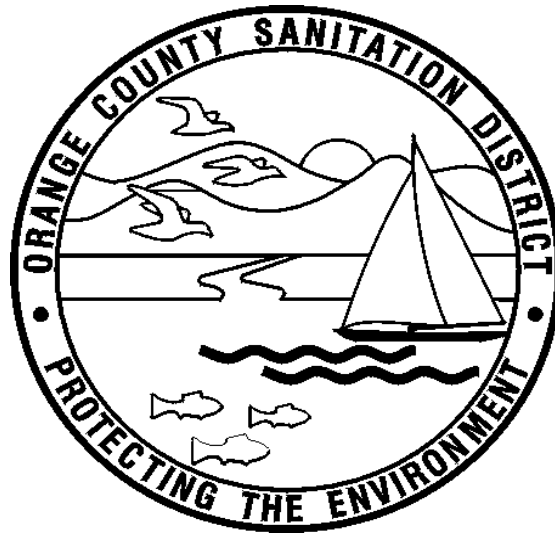
Corrected

Orange County Sanitation District

MINUTES

BOARD MEETING

September 23, 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 September 23, 2009 at 6:30 p.m., in the Administrative Offices. Following the Pledge of Allegiance and invocation, the roll was called and the Associate 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		Andrew Do
X	Jon Dumitru		Denis Bilodeau
X	Troy Edgar		Ken Stephens
	James M. Ferryman	X	Bob Ooten
X	Phil Luebben		Prakash Narain
X	Patsy Marshall		Fred Smith
X	Roy Moore		Ron Garcia
	Joy Neugebauer	X	Al Krippner
X	Chris Norby		Janet Nguyen
X	Sharon Quirk-Silva		Pam Keller
X	Brad Reese		Bill Mac Aloney
X	David Shawver		Carol Warren
	Christina Shea	X	Steven Choi
X	Harry Sidhu		Lucille Kring
	Sal Tinajero	X	David Benavides
X	Constance Underhill		Joseph Aguirre
A	Mark Waldman		Henry Charoen
A	Don Webb		Leslie Daigle
X	John Withers		Douglas Reinhart

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

OTHERS PRESENT: Brad Hogin, General Counsel

PUBLIC COMMENTS

There were no comments.

REPORT OF THE CHAIR

Doug Davert, Board Chair, reported that Director of Engineering Jim Herberg and Denis Bilodeau were recipients of the Said Khoury Award from the World Federation of Engineering Organizations for Engineering Construction Excellence on the Groundwater Replenishment System. Chair Davert reported that he and Vice Chair Crandall had attended the Volunteer Incentive Program (VIP) awards luncheon. Chair Davert announced 20-year service awards to Jim Colston and Merrill Seiler. The meeting schedule for the month of October was reviewed.

REPORT OF THE GENERAL MANAGER

General Manager Jim Ruth presented a brief report on the SARI Line status, Asset Management Program, and the status of SAWPA negotiations.

REPORT OF THE GENERAL COUNSEL

General Counsel, Brad Hogin, reported that the Ninth Circuit Court of Appeals dismissed the Kern County Measure-E Litigation Commerce Clause claim with no impact to OCSD.

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

Director Crandall abstained from discussion and voting on Warrant No. 23423. Director Dalton abstained from discussion and voting on Warrant Nos. 23390 and 23781. Director Luebben abstained from discussion and voting on Warrant Nos. 23307, 23635, 23695, and 23874. Director Shawver abstained from discussion and voting on Warrant Nos. 23354, 23742, and 23904. Directors Bohr, Ooten, Norby, Sidhu and Benavides abstained from discussion and voting on all warrants. Abstentions were pursuant to California Government Code Section 84308.

CONSENT CALENDAR (2 - 4)

2. **MOVED, SECONDED AND DULY CARRIED:** Approve the minutes for the regular meeting held on August 26, 2009, to be filed and deemed approved, as mailed.

3. **MOVED, SECONDED AND DULY CARRIED:** 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 and addendum No. 1 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. Item pulled by Board Chair.

STEERING COMMITTEE (5)

5. **MOVED, SECONDED AND DULY CARRIED:** Order Steering Committee Minutes for the regular meeting held on August 23, 2009 to be filed.

OPERATIONS COMMITTEE (6 – 11)

6. **MOVED, SECONDED AND DULY CARRIED:** Order Operations Committee minutes for the meeting held on September 2, 2009 to be filed.
7. **MOVED, SECONDED AND DULY CARRIED:** 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. **MOVED, SECONDED AND DULY CARRIED:** 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. Item pulled for discussion.
10. **MOVED, SECONDED AND DULY CARRIED:** 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. Item pulled for discussion.

NON CONSENT CALENDAR

9. Directors requested additional information from staff. It was then:

MOVED, SECONDED AND DULY CARRIED: 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.

Director Norby abstained.

11. A motion was made to reduce the number of Request for Proposals issued to the most qualified firms to three. A substitute motion was made; it was then,

MOVED, SECONDED AND DULY CARRIED: a) Authorize the General Manager to issue a Request for Proposal for Design-Build Services to the five 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.

Directors Dumitru and Luebben opposed.

ADMINISTRATION COMMITTEE (12 - 13)

12. MOVED, SECONDED AND DULY CARRIED: Order Administration Committee minutes for the regular meeting held on September 2, 2009 to be filed.

13. MOVED, SECONDED AND DULY CARRIED: 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. MOVED, SECONDED AND DULY CARRIED: 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. **MOVED, SECONDED AND DULY CARRIED:** 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:** Chair Davert declared the public hearing opened at 7:15 p.m.

The Associate Clerk of the Board announced there were no written comments.

b. **CLOSE PUBLIC HEARING:** Chair Davert declared the public hearing closed at 7:15 p.m.

1. **MOVED, SECONDED AND DULY CARRIED:** Read Ordinance No. OCSD-39 by title only and waive reading of said entire ordinance.

2. **MOVED, SECONDED AND DULY CARRIED:** 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.

Ayes: John Anderson; Charles Antos; Tom Beamish; Keith Bohr; Larry Crandall; Bill Dalton; Doug Davert; Jon Dumitru; Troy Edgar; Bob Ooten; Phil Luebben; Patsy Marshall; Roy Moore; Al Krippner; Chris Norby; Sharon Quirk-Silva; Brad Reese; Dave Shawver; Steven Choi; Harry Sidhu; David Benavides; Connie Underhill; John Withers

Nays: None

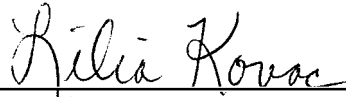
Absent: Mark Waldman; Don Webb

CLOSED SESSION

CONVENE IN CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): The Board convened in closed session at 7:16 p.m. pursuant to Government Code Section 54957(b)(1) to discuss one matter.

RECONVENE IN REGULAR SESSION: The Board reconvened in regular session at 7:25 p.m.

ADJOURNMENT: The Chair declared the meeting adjourned at 7:26 p.m.

A handwritten signature in cursive script that reads "Lilia Kovac". The signature is written in black ink and is positioned above a horizontal line.

Lilia Kovac
Associate Clerk of the Board
Orange County Sanitation District