

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF
COUNTY SANITATION DISTRICT NO. 2
HELD AT THE OFFICE OF THE DISTRICT
VIA TELECONFERENCE

January 26, 2022
1:30 o'clock, P.M.

The Board of Directors of County Sanitation District No. 2 of Los Angeles County met in regular session via teleconference.

There were present: Katherine Lee, Director from Alhambra
Ali Sajjad Taj, Director from Artesia
Ali Saleh, Director from Bell
Raymond Dunton, Director from Bellflower
Grace Hu, Director from Cerritos
Leonard Mendoza, Director from Commerce
Emma Sharif, Director from Compton
Blanca Pacheco, Director from Downey
Joe Buscaino, Alternate Director from Los Angeles City
Kimberly Ann Cobos-Cawthorne, Director from Montebello
Rick Ramirez, Director from Norwalk
Brenda Olmos, Director from Paramount
Chin Ho Liao, Director from San Gabriel
Maria Davila, Alternate Director from South Gate
Holly Mitchell, Director from Los Angeles County
Cathy Warner, Chairperson, Alternate Director from Whittier

Absent: Marco Barcena, Director from Bell Gardens
Robert Garcia, Director from Long Beach
Henry Lo, Director from Monterey Park
Monica Sanchez, Director from Pico Rivera
Melissa Ybarra, Director from Vernon

Also present: Kimberly S. Christensen, Secretary to the Board
Wes Beverlin, District Counsel

CONSENT AGENDA

Upon motion of Director Taj, duly seconded and unanimously carried by a roll-call vote, the Consent Agenda was approved as follows:

RE: PUBLIC COMMENT	The Chairperson announced this was the time for any questions or comments by members of the public.
RE: MINUTES	The minutes of the adjourned regular meeting held January 12, 2022, were approved.
RE: ALTERNATE DIRECTOR FROM CITY OF BELLFLOWER	A copy of an action taken by the City Council of the City of Bellflower at a meeting held January 13, 2022, was presented to the Secretary stating that Mr. Sonny Santa Ines, a member of the City Council of the City of Bellflower, was appointed to serve as alternate Director from the city, was accepted and ordered filed.
RE: DIRECTOR FROM CITY OF PICO RIVERA	A certificate from the City Clerk of the City of Bellflower was presented to the Secretary stating that at a meeting of the City Council held December 14, 2021, Dr. Monica Sanchez was elected Mayor of the City of Pico Rivera, which is the designation of the presiding officer of the governing body of that city and automatically places Dr. Sanchez on this Board, was accepted and ordered filed.
RE: ALTERNATE DIRECTOR FROM LOS ANGELES COUNTY	A copy of an action taken by the Board of Supervisors of the County of Los Angeles at a meeting held January 11, 2022, was presented to the Secretary stating that

Supervisor Ms. Hilda Solis, a member of the Board of Supervisors of the County of Los Angeles, was appointed to serve as alternate Director from the County, was accepted and ordered filed.

RE: LEGAL SERVICES
PAYMENT AND
REIMBURSEMENT OF
EXPENSES ADVANCED

An invoice dated December 21, 2021, from Lewis Brisbois, Bisgaard & Smith LLP, in the amount of \$209,562.98 for professional services rendered and reimbursement of expenses advanced in various Districts' matters during the month of November 2021, was

approved, and the Chief Engineer and General Manager was authorized to have a warrant drawn in full payment of the invoice, the charges to be distributed to the affected Districts.

RE: RESOLUTION PROCLAIMING A LOCAL
EMERGENCY, RATIFYING THE
PROCLAMATION OF A STATE OF
EMERGENCY ON MARCH 4, 2020 BY
CALIFORNIA GOVERNOR AND AUTHORIZING
REMOTE TELECONFERENCE MEETINGS OF
THE LEGISLATIVE BODY - ADOPT

A proposed *Resolution of the Board of Directors of the County Sanitation District No. 2 of Los Angeles County Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency on March 4, 2020 by California Governor and Authorizing Remote Teleconference Meetings of the Legislative Body*, was presented. Remote teleconference meetings, during the continued existence of the Governor's proclaimed state

of COVID-19 emergency, will be conducted under the provisions of AB 361 which added California Government Code Section 54953(e), to the Brown Act. Under the provisions of AB 361 and Government Code Section 54953(e), each District must adopt, by majority vote, a resolution making certain findings about the continuing COVID state of emergency and health and safety risks of conducting their meeting in person. By statute, this Resolution and its referenced findings, are only legally valid for 30 days. The Resolution was attached to the agenda. A recommendation was made to adopt the Resolution.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY
PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION
OF A STATE OF EMERGENCY ON MARCH 4, 2020
BY CALIFORNIA GOVERNOR AND AUTHORIZING
REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY

WHEREAS, County Sanitation District No. 2 of Los Angeles County ("District") is committed to preserving and nurturing public access and participation in meetings of the District's Board of Directors and committees; and

WHEREAS, all meetings of the District's Board of Directors are open and public, pursuant to the requirements of the Ralph M. Brown Act (California Government Code Sections 54950-54963) (the "Brown Act"), so that any member of the public may attend, participate, observe and watch the District's Board of Directors conduct business; and

WHEREAS, the Brown Act, Section 54953(e), allows for conducting and participating in meetings by members of a legislative body, without compliance with the requirements of the Brown Act Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition under the Brown Act Section 54953(e) is the declaration of a state of emergency by the Governor pursuant to California Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within California caused by the conditions outlined and described in California Government Code Section 8558; and

WHEREAS, a proclamation of a state of emergency is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-induced disasters; and

WHEREAS, it is further required that the state or local officials have imposed or recommended measures to promote social distancing, or the Board of Directors of the District have held a meeting where it considered and determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, such conditions now exist in the District as Governor Newsom declared a State of Emergency on March 4, 2020 as a result of the threat of COVID-19; and

WHEREAS, the Centers for Disease Prevention and Control, in its publication “How to Protect Yourself & Others” updated August 13, 2021, have recommended social distancing practices, including staying 6 feet away from others and avoiding crowds and poorly ventilated spaces in order to protect individuals and others from COVID-19; and

WHEREAS, the County of Los Angeles Department of Public Health Order of the Health Officer issued September 17, 2021 (the “County Order”) includes a finding that the existing community transmission of COVID-19 in Los Angeles County remains high and continues to present a high risk of infection and harm to the health of those who are not and cannot be vaccinated against COVID-19 especially when there is an absence of capacity limits and physical distancing requirements for both indoor and outdoor settings. The County Order further finds that COVID-19 infection remains a significant health hazard to all residents; and

WHEREAS, the District’s Board of Directors does hereby find that the ongoing and significant risks associated with COVID-19 infection, especially in the absence of capacity limits and physical distancing requirements for indoor activities, on those who are not and cannot be vaccinated, and that COVID-19 infection remains a significant health hazard to all residents, has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of a state of emergency by the Governor of the State of California, and further, ratify the County Order findings related to the ongoing health hazards of COVID-19; and

WHEREAS, as a consequence of the declared state of emergency and the local emergency, the Board of Directors of the District does hereby find that the District shall continue to conduct its meetings in accordance with the provisions and requirements of the Brown Act Section 54953(e), and that the legislative bodies of the District shall comply with the requirements to provide the public with access to, and an opportunity to comment at all meetings of the District’s legislative bodies in accordance with the requirements of the Brown Act Section 54953(e)(2); and

WHEREAS, the District will continue its practice of live streaming its meetings via the Zoom software platform which allows members of the public to observe and participate in the meetings via video or call-in options, and will continue to offer members of the public an opportunity to make oral comments during the meetings and/or submit written comments before the meetings.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true, correct, and are incorporated in this Resolution by reference.

Section 2. Proclamation of Local Emergency. The Board of Directors of the District does hereby proclaim that a local emergency now exists throughout the territory of the District and, as described in the County Order, there remains evidence of sustained and high community transmission rates of COVID-19 resulting in high risks of infection and harm to the health of those who are not and cannot be vaccinated against COVID-19, especially when there is an absence of capacity limits and physical distancing requirements for both indoor and outdoor settings, and COVID-19 infection remains a significant health hazard to all residents of the District.

Section 3. Ratification of Governor’s Proclamation of a State of Emergency. The District’s Board of Directors hereby ratifies the Governor of the State of California’s Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Chief Engineer and General Manager, staff and legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, without limitation, conducting open and public meetings in accordance with the Brown Act Section 54953(e) and all other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days after the date of this resolution, or such time that the District’s Board of Directors adopts a subsequent resolution in accordance with the Brown Act Section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with the requirements of the Brown Act Section 54953(b)(3).

PASSED AND ADOPTED by the Board of Directors of County Sanitation District No. 2 of Los Angeles County this 26th day of January 2022 by the following vote:

AYES: Sixteen (16)

NOES: None

ABSTAIN: None

ABSENT: Five (5)

REGULAR AGENDA

RE: WASTEWATER MANAGEMENT
MAINTENANCE AND SERVICE OF HEATING,
VENTILATION, AND AIR CONDITIONING
SYSTEMS AT JOINT ADMINISTRATION
OFFICE AND CENTRAL PLANT
REPORT ON PROPOSALS - REJECT
READVERTISE

One proposal was received on December 1, 2021, at the District office, for *Maintenance and Service of Heating, Ventilation, and Air Conditioning Systems at Joint Administration Office and Central Plant* (Project), per the summary attached to the agenda. A recommendation was made to authorize the Chief Engineer and General Manager, in his capacity as Purchasing Agent, to reject the sole proposal received, and that the Purchasing

Agent be authorized to revise the proposal and establish a new date for receipt of proposals, that the project be readvertised, and that new proposals be received.

The Chairperson called for public comments.

The Secretary advised that there were two members of the public wishing to address District No. 2 Board regarding Item No. 1 on the regular agenda.

The following individuals addressed the Board:

1. Tyler Kish, with Mesa Energy Systems - EMCOR, addressed the Board concerning the item related to the report on the proposal for Maintenance and Service of Heating, Ventilation, and Air Conditioning Systems at the Joint Administration Office and Central Plant. He stated that they understand the recommendation is to reject the only responsive bid that was submitted on time and per the stated requirements on the Request for Proposals (RFP) documents. Bidders were given 13 business days to submit their bids. He stated that Mesa Energy Systems was the sole bidder because they care about the agency's operations, respect the Districts' time, and stick to their commitments. He read the notice to reject the bid and the process of reviewing the rejected bid. He stated that they have not received any feedback regarding the technical proposal, average total scores from each evaluator, and if Mesa Energy Systems provided sufficient evidence regarding engineering and technical abilities. They are asking that the written RFP process be followed.
2. James Bish, with Mesa Energy Systems - EMCOR, addressed the Board. He stated that the process of rejecting, re-advertising, and rebidding will be more costly. The San Jose Creek WRP Laboratory can always be added via an addendum. He requested a review of their proposal to negotiate a price that would meet the needs of both parties. He recommended an evaluation and score of Mesa Energy Systems' bid. He requested that an interview meeting be scheduled to discuss Mesa Energy Systems' maintenance, service, engineering, and retrofit capabilities, then negotiate a final contract price, including the San Jose Creek WRP Laboratory. Items which could reduce and save on annual costs have been highlighted in their proposal.

The Chief Engineer and General Manager stated that Mesa Energy System (Mesa) proposal was reviewed and appears to be in compliance with the Request for Proposal (RFP). However, Mesa's cost proposal was significantly higher than the Districts' engineer's estimate, as indicated in the bid summary. They were the sole bidder. Re-advertising will provide an opportunity for more competition and potentially a lower cost. Moreover, after receiving Mesa's proposal, staff determined they should include the maintenance of San Jose Creek WRP Laboratory Heating Ventilation Air Conditioning system project. Staff believes that it is in the best interest of the agency to re-advertise this project. This conclusion was discussed with District Counsel and it was deemed appropriate.

Upon motion of Director Taj, duly seconded and unanimously carried by a roll-call vote, the only proposal received on December 1, 2021, for *Maintenance and Service of Heating, Ventilation, and Air*

Conditioning Systems at Joint Administration Office and Central Plant was rejected, and the Purchasing Agent was authorized to revise the proposal, to establish a new date for receipt of proposals, and to readvertise for proposals for the maintenance and service.

RE: TECHNICAL SERVICES
LACSD-MWD TERTIARY MEMBRANE
BIOREACTOR EQUIPMENT LOS ANGELES,
CA ZEEWEED 500 ULTRAFILTRATION
EQUIPMENT RENTAL AGREEMENT
SUEZ WTS SYSTEMS USA, INC.
CONTRACT NO. 5415 - APPROVE

The Joint Water Pollution Control Plant's (JWPCP) effluent nitrogen concentration may be regulated in the future to meet ocean water quality requirements. Furthermore, nitrogen removal at the JWPCP may provide benefits to reusing the plant's effluent as part of the proposed Regional Recycled Water Program in partnership with the Metropolitan Water District. Development of refined process models and other

studies are necessary to evaluate nitrogen removal options including the Membrane Bioreactor Equipment (MBR) process. SUEZ WTS Systems USA, Inc., (SUEZ) is an industry leader in MBR technology and has appropriately sized pilot equipment available for evaluation of this technology. Under the *LACSD-MWD Tertiary Membrane Bioreactor Equipment (MBR) Los Angeles, CA ZeeWeed 500 Ultrafiltration Equipment Rental Agreement* (Agreement), the District will conduct a pilot-scale test of SUEZ's MBR technology and evaluate its potential use at the JWPCP. District's cost under the Agreement will be approximately \$90,000. This item is consistent with the Districts' Guiding Principle to maximize use of our assets and resources (recycled water, recyclables, and energy). A recommendation was made to approve and order executed an Agreement with SUEZ, for testing membrane bioreactor equipment to meet potential nitrogen removal requirements at the Joint Water Pollution Control Plant.

Upon motion of Director Taj, duly seconded and unanimously carried by a roll-call vote, the Board of Directors of County Sanitation District No. 2 of Los Angeles County found and determined that it would be to the advantage of the District to enter into an *LACSD-MWD Tertiary Membrane Bioreactor Equipment (MBR) Los Angeles, CA ZeeWeed 500 Ultrafiltration Equipment Rental Agreement* with SUEZ, Inc., providing for testing membrane bioreactor equipment to meet potential nitrogen removal requirements at the Joint Water Pollution Control Plant, as set forth in the Agreement and under terms and conditions contained therein. All the terms and conditions of the *LACSD-MWD Tertiary Membrane Bioreactor Equipment (MBR) Los Angeles, CA ZeeWeed 500 Ultrafiltration Equipment Rental Agreement*, Contract No. 5415, dated January 26, 2022, were accepted and approved, and the Chairperson and Secretary were authorized to execute the Agreement on behalf of the District.

RE: WASTEWATER MANAGEMENT
SEWER COLLAPSE AND SANITARY
SEWER OVERFLOW THAT OCCURRED IN
CITY OF CARSON ON DECEMBER 30, 2021
RECEIVE AND ORDER FILED

A sewer collapse and Sanitary Sewer Overflow (SSO) occurred on December 30, 2021, involving a Districts' trunk sewer located in the City of Carson. The Chief Engineer and General Manager reported on the incident, the Districts' response, and emergency repair. A recommendation was made to receive and order filed

report on sewer collapse and sanitary sewer overflow that occurred in City of Carson on December 30, 2021.

The Chief Engineer and General Manager gave a brief presentation regarding the recent sewer spill and provided an update on preliminary findings on the cause of the spill. The Districts received notice of a sewer spill located at 212th Street in Carson at approximately 2 p.m. on Thursday, December 30. Districts' crews responded and, after an investigation, found that over half a mile away a portion of sewer had collapsed. The collapsed sewer is 60 years old and a replacement is currently being constructed one block east on Figueroa Street.

He showed a slide with a map of the path of the spill. When the sewer collapsed, it plugged with soil and debris, causing sewage to back up in the system and overflow at the manholes on the lowest points upstream, which are located at 212th Street at the corners of Lynton Avenue and Moneta Avenue. Sewage spilled out of the manholes and ran onto the street (the spill path was shown in green), into a storm drain (at 212th and Moneta Avenue) through the underground storm drain system (shown as a dashed blue line), and ultimately out to the Dominguez Channel, the Los Angeles Harbor, then the ocean.

He showed a photo of the overflow at 212th Street (facing east) at 6:28 p.m. (a few hours after the spill started). For the most part, the overflow stayed on the street, although some planters, grass parkways, driveways, and parked cars were affected. Next, he showed a photo of the sewer collapse site at 8:26 p.m. The excavation to access the collapsed sewer that runs adjacent to the 110 Freeway is about 25-foot long and 10-foot wide. The collapse occurred next to the A-1 All American Roofing building near the Carson Street exit. He stated that it is not unusual for a sinkhole to be present at a collapse site.

He advised that Districts' crews and third-party contractors immediately responded and worked 24 hours a day at the site. The first call of action is to use bypass lines to convey flow around the blockage and pump it to a manhole downstream. He showed a photo of four temporary bypass lines. Eight approximately 800-foot lines (over a mile) of bypass pipe was used.

He showed photos of the progress of the excavation work between 6:33 a.m. and 6:44 a.m. At the time, the hole was between 15-20 feet deep. The excavator was limited due to the tight space and risk of further damage to the existing sewer. The principle tool used for excavation was a vacuum truck, which used high-pressured water to loosen the debris and a long arm to suction the debris. At the time, there were two bypass lines online. He showed a photo of the site on December 31 at 2:25 a.m. Two simultaneous operations, including bypass and excavation, took place at the collapse site. He stated that a yellow shoring box (steel plates) was installed approximately 15 feet deep to keep workers safe during excavation. By that time, one of the bypass lines was operating.

After the spill was completely stopped on Friday, December 31, at 9:00 p.m., Districts' crews finished cleaning 212th Street. He showed a photo of 212th Street and Moneta Avenue taken on January 1 at 8:10 a.m. The photo showed a storm drain where the spilled sewage entered the storm drain system. He showed another photo of the collapse site at 8:13 a.m. At this point, there were eight flow bypass pump systems online to convey flow around the blockage to stop the spill, and the work focused on excavation.

On Monday, January 3, he was contacted by Mayor Lula Davis-Holmes of Carson with an invitation to go door-to-door to hear how residents were doing, as shown on a photo. He advised that Genesis Rodriguez, from the Districts' Public Information Office, was at the site every day until January 8 to interact with residents and follow up with the clean-up activities. Approximately half of the residents on 212th Street were home at the time.

An additional third-party contractor (Clean Harbors) disinfected the street, sidewalk, and driveways, up to the garage doors. In addition, the Districts replaced grass in the parkway and two inches of dirt and mulch on the opposite side of the street. This work should be completed by the end of the week. The Districts offered to wash and detail residents' cars or provided vouchers for a car wash, if necessary.

Once excavation work was completed, focus switched to a permanent fix to the damaged sewer. The day after the sewer collapsed, staff determined that slip lining, which involves a new pipe within the existing pipe, would be the best method to repair the damaged sewer. Districts' staff worked with a vendor to expedite delivery of the necessary pipe by January 7. On January 8, installation of approximately 200 feet of pipe and backfilling work was completed. On January 13, the collapse site was restored and repaired, as shown on a photo. The Districts worked with Caltrans to street sweep and reopen the offramp, which was closed due to the spill.

There are two primary reasons for the sewer failure, which makes it unique. The first reason is corrosion. The rate of corrosion depends on the type of pipe. He advised that the Districts continued to monitor this sewer including on December 1. The video surveillance showed corrosion, but the pipe was solid with no holes; therefore, the issue was not elevated to an emergency repair. When staff returned after the storm, they noticed significant damage to the sewer and adjacent manhole, as shown on a photo.

After stopping the immediate spill, staff visually inspected and monitored the remaining sewer line. Staff found a second segment (located upstream of the collapse, south of Carson Street) that also needs repair. The Districts is working to install a flow bypass system in the event of another storm and to support the future repair. Districts' staff ordered the necessary materials, which are expected to be delivered in February. The repair is expected to be completed by mid to late February. Staff will accelerate work on a third section, located downstream of the collapse. The condition is not as bad as the second section. The goal is to complete this work prior to the next rainy season. The work will ensure rehabilitation of the sewer and provide a tremendous amount of flexibility to give additional capacity and redundancy.

Regarding water quality, an advisory of beaches from Los Angeles Harbor to Orange County was issued and seven beaches were closed due to the spill. After testing, five beaches were reopened on January 3 and the remaining beaches in Long Beach reopened on January 5. Dissolved oxygen levels remain the same as days prior to the spill. Staff has not detected any odors or anything of concern at the Channel and have been coordinating sampling with Los Angeles County Department of Public Works staff.

The sewer collapse was unexpected and did not follow the historical trends in the agency's sewer maintenance program experience, and it is important to find out why it occurred. The Districts hired GHD, an international engineering consulting firm with expertise on sewer condition assessments, sewer corrosion and mitigation. GHD will perform an audit on the cause of the sewer collapse, review the Districts' current sewer maintenance and evaluation programs, and make recommendations for improvements. GHD is currently looking

at flow data, video inspections, and the Districts' maintenance program, and they are researching the specifics of this particular sewer pipe. A grading system is used to prioritize rehabilitation/repair for the sewer system. The Districts spends between \$30-40 million per year from the Capital Improvement Fund to rehabilitate and replace aging sewers.

Preliminary investigation shows that the adjacent manhole may have structurally failed due to corrosion. Other manhole structures are being investigated. The final report is expected in a February, March, or April timeframe.

Upon motion of Director Taj, duly seconded and unanimously carried by a roll-call vote, the Board of Directors of County Sanitation District No. 2 received and ordered filed the report on sewer collapse and sanitary sewer overflow that occurred in City of Carson on December 30, 2021.

RE: FINANCIAL MANAGEMENT
FINANCIAL ASSURANCE FOR PUENTE HILLS
AND SPADRA LANDFILLS AND PLEDGE OF
REVENUE AGREEMENT - STATE OF
CALIFORNIA DEPARTMENT OF RESOURCES
RECYCLING AND RECOVERY - CONTRACT
NO. 5418 - ADOPT - APPROVE AND ORDER
EXECUTED

A proposed *Financial Assurance for Postclosure Maintenance for the Puente Hills and Spadra Landfills* (Resolution) was presented. State of California Department of Resources Recycling and Recovery's (CalRecycle) regulations require the owners or operators of sanitary landfills to provide financial assurance for postclosure maintenance, and since 2012 the District has had an agreement with CalRecycle under which the District has pledged interest revenue from dedicated

landfill post-closure maintenance funds. In September 2021, all of the Sanitation Districts executed the Joint Agreement for the Payment of the County Sanitation Districts of Los Angeles County Unfunded Accrued Liability (UAL) for the California Public Employees' Retirement System (UAL Agreement), which provides for the funding of post-closure maintenance costs through a fee-in-lieu paid by each of the Districts, in exchange for using post-closure maintenance funds to pay down the Districts' UAL. In order to implement the UAL Agreement, a new Agreement with CalRecycle is required. The new Agreement pledges the fee-in-lieu for postclosure maintenance funding. Staff has determined that approval of the Agreement does not constitute a "Project" under the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21065 and Title 14 of the California Code of Regulations ("CEQA Guidelines") Section 15378. This item is consistent with the Districts' Guiding Principles of commitment to fiscal responsibility and prudent financial stewardship; and to plan for both short-term and long-term needs to minimize the need for significant rate increases. A copy of the proposed Resolution was attached to the agenda. A recommendation was made to adopt the Resolution. Furthermore, a recommendation was made to approve and order executed a *Pledge of Revenue Agreement* with the State of California Department of Resources Recycling and Recovery and authorize the Chief Engineer and General Manager to take all necessary actions and execute all documents necessary to carry out the agreement.

The Chief Engineer and General Manager stated that District No. 2 will be considering approval of a Pledge of Revenue Agreement (Agreement) with CalRecycle. The Agreement will allow the Districts to set up funding arrangements to pay for post-closure maintenance activities at the Puente Hills and Spadra Landfills. This will free up money previously dedicated for this purpose. The Districts will be able to settle the Puente Hills Park funding lawsuit with Los Angeles County; pay off a high interest Unfunded Accrued Liability with CalPERS; and raise the Solid Waste System reserve funds. This will lead to lower rates for the Joint Outfall System due to interest savings from the UAL exchange.

Upon motion of Director Davila, duly seconded and unanimously carried by a roll-call vote, the Board of Directors of County Sanitation District No. 2 of Los Angeles County found and determined that it would be to the advantage of the District to enter into an *Pledge of Revenue Agreement* with the State of California Department of Resources Recycling and Recovery providing for pledging the fee-in-lieu for postclosure maintenance funding, as set forth in the Agreement and under terms and conditions contained therein. All the terms and conditions of the *Pledge of Revenue Agreement*, Contract No. 5418, dated January 26, 2022, were accepted and approved, and the Chairperson and Secretary were authorized to execute the Agreement on behalf of the District. Furthermore, the following Resolution was adopted:

RESOLUTION

FINANCIAL ASSURANCE FOR POSTCLOSURE MAINTENANCE FOR THE PUENTE HILLS AND SPADRA LANDFILLS

WHEREAS, California Public Resources Code Sections 43500 through 43610.1 and Title 27, California Code of Regulations (Regulations), Division 2, Subdivision 1, Chapter 6 require operators of solid waste

facilities to demonstrate the availability of financial resources to conduct closure, postclosure maintenance, and corrective action activities; and

WHEREAS, Section 22228 of the Regulations specifies that a pledge of revenue is an acceptable mechanism to demonstrate financial responsibility for postclosure maintenance of a solid waste landfill; and

WHEREAS, Section 22245 of the Regulations specifies that a pledge of revenue shall consist of a resolution by the governing body of the operator or provider of financial assurance authorizing an agreement between the operator or provider of financial assurance and the State of California, Department of Resources Recycling and Recovery, and the agreement itself,

WHEREAS, the District desires to enter into a revised pledge of revenue agreement that implements the provisions of the *Joint Agreement for the Payment of the County Sanitation Districts of Los Angeles County Unfunded Accrued Liability for the California Public Employees' Retirement System* which was executed by all of the Sanitation Districts in September of 2021;

IT IS THEREFORE RESOLVED by the Board of Directors ("Board") of County Sanitation District No. 2 of Los Angeles County ("District") that:

1. It is in the best interests of the District to execute a revised pledge of revenue to provide for the required demonstration of financial responsibility for postclosure maintenance in accordance with Section 22245 of the Regulations for the Puente Hills and Spadra Landfills. The Board hereby approves and orders executed a Pledge of Revenue Agreement between the District and the State of California, Department of Resource Recycling and Recovery to revise the existing pledge of revenue.
2. This resolution and the agreement are effective continuously throughout the period of the pledge of revenue.

The foregoing resolution was adopted on the 26th day of January 2022, by the Board of Directors of County Sanitation District No. 2 of Los Angeles County as the governing body of County Sanitation District No. 2 of Los Angeles County by the following vote:

Ayes: Directors Lee, Taj, Saleh, Dunton, Hu, Mendoza, Sharif, Pacheco, Buscaino, Cobos-Cawthorne, Ramirez, Olmos, Liao, Davila, Mitchell, and Warner

Noes: None

Abstain: None

Absent: Directors Barcena, Garcia, Lo, Sanchez, and Ybarra

RE: JOINT ADMINISTRATION OFFICE
SETTLEMENT AGREEMENT
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES
APPROVE

On November 2, 2018, American Federation of State, County and Municipal Employees (AFSCME) filed an unfair practice charge. The charge involved the termination of an AFSCME member. The AFSCME member was terminated after misconduct was discovered using Global Positioning System (GPS) data from his work vehicle and his work e-mail records. The Public Employment Relations Board (PERB) issued a complaint, and the parties participated in an informal settlement conference, but were unable to settle the matter. In 2019, the case was heard before a PERB administrative law judge. The administrative law judge found that the District violated the Meyers-Milias-Brown Act (MMBA) as alleged in the complaint. The District filed timely exceptions and the case proceeded to the PERB Board. On November 30, 2021, the PERB Board issued its decision, finding that the District violated the MMBA. The PERB Board found that the District could not use GPS data and did not provide a complete response to AFSCME's request for information. The PERB Board did not find that the District retaliated against the AFSCME member. The PERB Board ordered that the District rescind the AFSCME member's termination; expunge records from the AFSCME member's personnel file; offer the AFSCME member immediate reinstatement; reimburse the AFSCME member for any financial losses, with interest, suffered as a direct result of his termination; and upon request provide a complete response to AFSCME's request for information. The District has negotiated a settlement with AFSCME and the member that resolves all issues and results in his resignation. As part of the settlement, the Districts will be able to use GPS data for AFSCME represented units starting February 1, 2022. The Chief Engineer and General Manager and District Human Resources Counsel recommend that the proposed settlement, for Case number LA-CE-1339-M,

be approved as it is in the best interests of the District to settle this charge without further appeal and that the Chief Engineer and General Manager or his designee be authorized to execute all documents required for the settlement. The Board did not meet in closed session to discuss this matter with District Counsel and staff. A recommendation was made to approve and order executed *Settlement Agreement* with American Federation of State, County and Municipal Employees and authorize the Chief Engineer and General Manager or his designee to execute all documents required for the settlement.

Without going into closed session and upon motion of Director Taj, duly seconded and unanimously carried by a roll-call vote, the Board of Directors of County Sanitation District No. 2 of Los Angeles County found and determined that it would be to the advantage of the District to enter into a *Settlement Agreement* with American Federation of State, County, and Municipal Employees under terms and conditions contained therein. The Chief Engineer and General Manager or his designee was authorized to execute all documents required for the settlement.

RE: SOLID WASTE MANAGEMENT
JOINT SETTLEMENT AND STIPULATION
AGREEMENT AND SETTLEMENT AND
CONTRIBUTION AGREEMENT
BARRETT BUSINESS SERVICES, INC.
CONTRACTS NOS. 5416 AND 5417 - APPROVE

At a December 7, 2021, mediation, the parties tentatively reached a global settlement of all claims. Of the total settlement amount, the District would be responsible for \$3,150,000 to settle a recent California Supreme Court ruling that requires special districts to pay prevailing wage for contract employees performing operation and maintenance activities. Historically, contractors are only

paid prevailing wages for construction of publicly owned or funded facilities. The Chief Engineer and General Manager and District Counsel believe the settlement is cost effective and in the District's best interest and recommend approval of the settlement. The Board did not meet in closed session to discuss this matter with District Counsel and staff. A recommendation was made to approve and order executed *Joint Settlement and Stipulation Agreement* and *Settlement and Contribution Agreement* with Barrett Business Services, Inc.

Without going into closed session and upon motion of Director Taj, duly seconded and unanimously carried by a roll-call vote, the Board of Directors of County Sanitation District No. 2 of Los Angeles County found and determined that it would be to the advantage of the District to enter into a *Joint Settlement and Stipulation Agreement* and *Settlement and Contribution Agreement* with Barrett Business Services, Inc., to settle a lawsuit regarding pay for prevailing wages at District facilities. All the terms and conditions of the *Joint Settlement and Stipulation Agreement* and *Settlement and Contribution Agreement*, Contracts Nos. 5416 and 5417, respectively, dated January 26, 2022, were accepted and approved, and the Chairperson and Secretary were authorized to execute the Agreements on behalf of the District.

Upon motion of Director Davila, duly seconded and unanimously carried, the meeting was adjourned.

CATHY WARNER
Chairperson

ATTEST:

KIMBERLY S. CHRISTENSEN
Secretary

/ee