

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 23rd day of February 2022 by the following vote:

AYES: Seventeen (17)

NOES: None

ABSTAIN: None

ABSENT: Four (4)

RE: WASTEWATER MANAGEMENT
LOS COYOTES WATER RECLAMATION
PLANT STAGE TWO-UNIT 3 RETURN
ACTIVATED SLUDGE PIPING REPLACEMENT
J.R. FILANC CONSTRUCTION CO., INC.
CONTRACT NO. 5261
ACCEPTANCE OF THE WORK

J.R. Filanc Construction Co., Inc., has completed the work in connection with Contract No. 5261 for construction of the *Los Coyotes Water Reclamation Plant Stage Two-Unit 3 Return Activated Sludge (RAS) Piping Replacement* (Project) within the time allowed by the contract, and in accordance with its terms. The Project consisted of replacing approximately 600 linear feet of the existing carbon steel RAS collection piping

system with new fiberglass reinforced piping including supports, valves, valve actuators, and associated electrical work. The existing piping system was installed in the 1970s and was in poor condition due to corrosion. Five change orders totaling \$6,869.39 were approved for this Project. A recommendation was made to accept this work.

The work in connection with Contract No. 5261, entered into by J.R. Filanc Construction Co., Inc., on January 22, 2020, for construction of the *Los Coyotes Water Reclamation Plant Stage Two–Unit 3 Return Activated Sludge Piping Replacement*, was approved and accepted by this Board of Directors; the Chief Engineer and General Manager was directed to execute and record a Notice of Completion with respect to this work of improvement; and final payment of \$1,306,018.94 was authorized in accordance with the terms of the contract.

REGULAR AGENDA

RE: FINANCIAL MANAGEMENT
PRINTING AND MAILING OF THE
PROPOSITION 218 NOTICES
AUTHORIZE ISSUANCE OF
PURCHASE ORDER TO
ICOLOR PRINTING & MAILING, INC.,
AND UNITED STATES POSTAL SERVICE

In 2017, the Joint Outfall Districts adopted four-year service charge rate ordinances. The Boards must now go through the process of considering new rates and adopting new ordinances beginning with fiscal year 2022-23. To facilitate this process, the Districts issued a Request for Proposals for printing and mailing the notices that are required under Proposition 218. Two proposals were received and were deemed responsive.

iColor Printing & Mailing, Inc., was the lowest responsive proposer. In addition to the printing costs, the proposals also include an estimate of the cost of postage for mailing the notices. The final cost will be based on the actual quantity of notices printed and mailed, and USPS pre-sorting requirements. The cost of the notices, including postage, would be distributed proportionally among all the Districts that are issuing notices. This item is consistent with the Districts' Guiding Principles of commitment to fiscal responsibility and prudent financial stewardship. A recommendation was made to authorize the Chief Engineer and General Manager, in his capacity as Purchasing Agent, to issue a purchase order to iColor Printing & Mailing, Inc., in the amount of approximately \$82,200 for printing; and United States Postal Service in the amount of approximately \$469,400 for mailing services.

Upon motion of Director Davila, duly seconded and unanimously carried by a roll-call vote, the Purchasing Agent was authorized to issue a purchase order to iColor Printing & Mailing, Inc., in the amount of approximately \$82,200 for printing; and United States Postal Service in the amount of approximately \$469,400 for mailing services of the Proposition 218 notices.

RE: FACILITIES PLANNING
PROFESSIONAL CONSULTING
SERVICES IN SUPPORT OF REGIONAL
RECYCLED WATER PROGRAM
AUTHORIZE ISSUANCE OF
PURCHASE ORDER TO
CAROLLO ENGINEERS, INC.

In November 2020, the Board approved the *First Amendment to Regional Recycled Water Program (RRWP) Agreement (Amendment)* with Metropolitan Water District of Southern California that, among other things, specifies that the Districts will fund any required studies to evaluate brine collection and disposal. Brine is a salty waste discharged to the Districts' collection system from industry, oil producers, and groundwater

treatment facilities. The Board previously authorized Carollo Engineers, Inc. (Carollo) to conduct initial studies on brine collection based on their specialized expertise in this work. Additional study is necessary to evaluate the feasibility of constructing a dedicated pipeline linking Districts' and other facilities' brine to the tunnel outfall for disposal to improve Joint Water Pollution Control Plant water quality. Use of Carollo to complete this work is the most cost-effective approach due to their previous work in support of the RRWP brine analysis, and Carollo has proposed to complete the work at hourly rates similar to those charged on work for the Districts under competitively selected projects. Staff has determined that the activities described are not subject to the provisions of California Environmental Quality Act (CEQA). The activities described herein do not constitute a "Project" as that term is defined in California Public Resources Code ("PRC") Section 21065 and Title 14 of the California Code of Regulations ("CEQA" Guidelines") Section 15378. Retaining Carollo is the most cost-effective way to complete the report. 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 authorize the Chief Engineer and General Manager, in his capacity as Purchasing Agent, to issue a purchase order to Carollo Engineers, Inc., in the amount of approximately \$140,000 to provide professional consulting services in support of RRWP.

Upon motion of Director Davila, duly seconded and unanimously carried by a roll-call vote, the Purchasing Agent was authorized to issue a purchase order to Carollo Engineers, Inc., to provide professional consulting services in support of Regional Recycled Water Program, at a cost of approximately \$140,000.

RE: WASTEWATER MANAGEMENT
ANNUAL SOFTWARE AND HARDWARE
SUPPORT SERVICES FOR ROCKWELL
AUTOMATION SUPERVISORY CONTROL
AND DATA ACQUISITION SYSTEM
AUTHORIZE ISSUANCE OF
PURCHASE ORDER TO
ROYAL INDUSTRIAL SOLUTIONS

The Supervisory Control and Data Acquisition (SCADA) system consists of Rockwell Automation software and hardware providing computer-based control over major processes at the Districts' wastewater treatment plants, pumping plants, and energy recovery facilities. Previous service agreements with Rockwell Automation have proven to be a cost-effective method for providing required maintenance, support, and software updates. Royal Industrial Solutions is the only

authorized representative to provide support service agreements to the Districts on behalf of Rockwell Automation. This item is consistent with the Districts' Guiding Principle to protect financial and facility assets through prudent investment and maintenance programs. A recommendation was made to authorize the Chief Engineer and General Manager, in his capacity as Purchasing Agent, to issue a purchase order to Royal Industrial Solutions in the amount of approximately \$176,768 for annual software and hardware support services for Rockwell Automation Supervisory Control and Data Acquisition System.

Upon motion of Director Davila, duly seconded and unanimously carried by a roll-call vote, the Purchasing Agent was authorized to issue a purchase order to Royal Industrial Solutions for annual software and hardware support services for Rockwell Automation Supervisory Control and Data Acquisition System, at a cost of approximately \$176,768.

RE: SOLID WASTE MANAGEMENT
PLASTIC FILM USED AS ALTERNATE
DAILY COVER - AUTHORIZE ISSUANCE
OF PURCHASE ORDER TO
EPI ENVIRONMENTAL PRODUCTS, INC.

Since the 1990s, green waste was diverted at landfills and used as alternate daily cover (ADC). Assembly Bill (AB) 1594 specified that after January 1, 2020, green waste used as ADC would no longer be counted as diversion. When this requirement became effective, the use of green waste was discontinued as ADC at the

Calabasas and Scholl Canyon Landfills. In order to preserve landfill capacity by minimizing how much cover soil is used, an ADC other than green waste was required. A number of state-approved ADC options were evaluated. In 2019, the District began using EPI Environmental Products, Inc. (EPI) plastic film with a proprietary EPI deployment equipment as the most cost-effective option. The current supply contract with EPI for plastic film expires April 1, 2022. EPI, the sole source provider, has offered a new supply contract for approximately \$1,800,000. This item is consistent with the Districts' Guiding Principle of commitment to operational excellence (protection of public health and the environment, regulatory compliance, and cost effectiveness). A recommendation was made to authorize the Chief Engineer and General Manager, in his capacity as Purchasing Agent, to issue a purchase order to EPI Environmental Products, Inc., in the amount of approximately \$1,800,000 for plastic film used as ADC for a three-year period.

Upon motion of Director Davila, duly seconded and unanimously carried by a roll-call vote, the Purchasing Agent was authorized to issue a purchase order to EPI Environmental Products, Inc. for plastic film used as alternate daily cover for a three-year period, at a cost of approximately \$1,800,000.

RE: WASTEWATER MANAGEMENT
JOINT OUTFALL "H" UNIT 5A TRUNK
SEWER REHABILITATION PHASE 2
MLADEN BUNTICH CONSTRUCTION
CO., INC. - CONTRACT NO. 5271
APPROVE CHANGE ORDER NO. 7

As part of the Construction of *Joint Outfall "H" Unit 5A Trunk Sewer Rehabilitation Phase 2* (Project), the contractor was required to perform a flow diversion to allow rehabilitation of the 66-inch-diameter reinforced concrete pipe sewer under dry conditions. The flow diversion was to be accomplished by adjusting steel stoplogs located within two existing manhole structures.

During construction, it was discovered that the steel stoplogs and stoplog notches were no longer usable as they were severely corroded and fused together. The contractor was therefore directed to demolish the existing steel stoplogs and notches and to construct new stainless steel stoplogs and notches to facilitate the required flow diversion. This item is consistent with the Districts' Guiding Principles to protect financial and facility assets through prudent investment and maintenance programs; and the commitment to operational excellence (protection of public health and the environment, regulatory compliance, and cost effectiveness). The claim has been reviewed and the work determined to be beyond the scope of the plans and specifications. A recommendation was made to approve Change Order No. 7 to Construction Contract No. 5271 with Mladen Buntich Construction Co., Inc., for the construction of the Project, resulting in payment of \$626,527.66 for extra work.

Upon motion of Director Davila, duly seconded and unanimously carried by a roll-call vote, Change Order No. 7 to Contract No. 5271 with Mladen Buntich Construction Co., Inc., for the construction of *Joint Outfall "H" Unit 5A Trunk Sewer Rehabilitation Phase 2*, resulting in a payment of \$626,527.66, was approved.

RE: WASTEWATER MANAGEMENT
LOS COYOTES WATER RECLAMATION
PLANT SECURITY FENCE AND ENTRANCE
GATE IMPROVEMENTS
LIGHTNING FENCE CO., INC.
CONTRACT NO. 5273
APPROVE CHANGE ORDER NO. 1

As part of the *Los Coyotes Water Reclamation Plant Security Fence and Entrance Gate Improvements* (Project), the contractor was required to install approximately 4,800 linear feet of 8-foot-tall perimeter fencing with 6-foot-wide steel mesh fence panels. During construction, it was determined that the type of fence panel that was specified in the Contract Documents was not available or produced in 6-foot

lengths, but was available in 4-foot lengths. The contractor was directed to use the 4-foot-wide fence panels, in lieu of the 6-foot-wide fence panels, which resulted in additional labor costs due to the increased quantity of individual fence panels needed to be installed by the contractor. This item is consistent with the Districts' Guiding Principle to protect financial and facility assets through prudent investment and maintenance programs. The claim has been reviewed and the work determined to be beyond the scope of the plans and specifications. A recommendation was made to approve Change Order No. 1 to Construction Contract No. 5273 with Lightning Fence Co., Inc., for construction of the Project, resulting in payment of \$191,000 for extra work.

Upon motion of Director Davila, duly seconded and unanimously carried by a roll-call vote, Change Order No. 1 to Contract No. 5273 with Lightning Fence Co., Inc., for the construction of *Los Coyotes Water Reclamation Plant Security Fence and Entrance Gate Improvements*, resulting in a payment of \$191,000, was approved.

RE: SOLID WASTE MANAGEMENT
SETTLEMENT AGREEMENT
SOUTHERN CALIFORNIA
ENVIRONMENTAL, INC.
CONTRACT NO. 5421 - APPROVE

A dispute has arisen regarding the failure of Southern California Environmental, Inc., (Southern California) to meet the contractual requirements of the Waste Disposal and Processing Agreement (WDPA) executed between the parties in July 2016. Between February 2018 to July 2019, Southern California failed to deliver at least

450 tons per month to a Districts' facility as required by the WDPA. This shortfall resulted in "put or pay" tip fee and service and interest charges totaling approximately \$65,000. This agreement outlines a payment and collection schedule to recover this total amount by December 15, 2022. This item is consistent with the Districts' Guiding Principle of commitment to fiscal responsibility and prudent financial stewardship. A recommendation was made to approve and order executed an Agreement with Southern California Environmental, Inc., regarding breach of Waste Disposal and Processing Agreement, and order that the Agreement be recorded.

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 a *Settlement Agreement* with Southern California Environmental, Inc., providing for breach of waste disposal and processing agreement, as set forth in the Agreement and under terms and conditions contained therein. All the terms and conditions of the *Settlement Agreement*, Contract No. 5421, dated February 23, 2022, were accepted and approved, and the Chairperson and Secretary were authorized to execute the Agreement 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