

Notice and Agenda

REGULAR MEETING — BOARD OF DIRECTORS — COUNTY SANITATION DISTRICT NO. 2

To be held at the OFFICE OF THE DISTRICT
1955 Workman Mill Road, Whittier, California

In response to concerns about the Novel Coronavirus (COVID-19), and in accordance with the provisions of California Government Code Section 54953(e), Directors will attend these meetings via teleconference. To join the meeting, click <https://us02web.zoom.us/j/8091438308> or enter the Meeting ID 809 143 8308 into the Zoom app on your smartphone or computer. Alternatively, you may join by phone by calling (669) 900-9128 and entering the Meeting ID. You may find further information at: <http://www.lacsd.org/agendas>

THE DISTRICT MAY TAKE ACTION ON ANY AGENDA ITEM LISTED BELOW

WEDNESDAY	October 26, 2022	At 1:30 P.M.
Governing Body	Director	Alternate
ALHAMBRA	MALONEY	ANDRADE-STADLER
ARTESIA	RAMOSO	TAJ
BELL	ARROYO	SALEH
BELL GARDENS	PULIDO	FLORES
BELLFLOWER	DUNTON	SANTA INES
CERRITOS	VO	BARROWS
COMMERCE	REBOLLO	ALTAMIRANO
COMPTON	SHARIF	-----
DOWNEY	PACHECO	FROMETA
LONG BEACH	R. GARCIA	-----
LOS ANGELES CITY	KREKORIAN	BUSCAINO
MONTEBELLO	COBOS-CAWTHORNE	PERALTA
MONTEREY PARK	H. LO	-----
NORWALK	RAMIREZ	PEREZ
PARAMOUNT	CUELLAR STALLINGS	AGUAYO
PICO RIVERA	SANCHEZ	CAMACHO
SAN GABRIEL	DING	MENCHACA
SOUTH GATE	RIOS	DAVILA
VERNON	LOPEZ	W. DAVIS
WHITTIER	VINATIERI	WARNER (Chairperson)
LOS ANGELES COUNTY	MITCHELL	SOLIS

CONSENT AGENDA

1. Public Comment
2. Approve Minutes of Regular Meeting Held October 12, 2022
3. Authorize Payment to Lewis, Brisbois, Bisgaard & Smith LLP, in Amount of \$214,289.44, for Legal Services Rendered and Reimbursement of Expenses Advanced in Various Districts' Matters for Month of August 2022
4. Approve *Resolution of the Board of Directors of 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*

Summary: Remote teleconferenced 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 is attached to the agenda.

REGULAR AGENDA

1. Re: Contract with Lucas Builders, Inc., in Amount of Approximately \$1,049,750, for Construction of [San Jose Creek Water Reclamation Plant Interceptor Sewer Connection 2](#) (Project)
 - (a) Report on Bids and Award and Order Executed Contract

1. Contd.

- (b) Order Staff to Review Insurance and Surety Bonds for Performance and Payment and, if Sufficient, Order Secretary to Execute Contract Evidencing Approval of Bonds and Insurance

Summary: The Project consists of the construction of approximately 140 feet of 36-inch-diameter vitrified clay pipe sewer and appurtenant structures to divert flow to the San Jose Creek Water Reclamation Plant to increase recycled water production. The work is located within the City of El Monte as shown on the attached map. The bid summary/recommendation to award is attached. Staff has determined that the Project is exempt or otherwise not subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Sections 21080.21 and Title 14 of the California Code of Regulations (“CEQA Guidelines”) Section 15301. This item is consistent with the Districts’ Guiding Principles to protect financial and facility assets through prudent investment and maintenance programs; and commitment to operational excellence (protection of public health and the environment, regulatory compliance, and cost effectiveness).

2. Authorize Issuance of Purchase Orders as Follows:

- (a) To GHD, Inc., (GHD) in Amount of Approximately \$300,000 to Provide Professional Consulting Services for Hydraulic Model of Sewer System Pilot Study
- (b) To ADS Environmental Services (ADS), in Amount of Approximately \$1,700,000 to Provide Flow Monitoring Services for Hydraulic Model of Sewer System

Summary: On December 30, 2021, during a heavy rainfall event, the Districts’ 216th Street Relocation Trunk Sewer experienced a critical failure in the City of Carson causing a sanitary sewer overflow (SSO) event that impacted residents and closed local beaches. As previously reported to the Board, an independent external audit of the SSO was performed. One of the recommendations in the audit report was that the Districts develop and utilizes a hydraulic model of the sewer system. Accordingly, in June 2022, GHD was retained to prepare an implementation plan for a sewer model. To support continued development of the model, staff recommends hiring GHD to conduct a pilot study by modeling the sewer system within District No. 8, which is where the December 30, 2021, SSO occurred. GHD is uniquely qualified to conduct the pilot study based on its understanding of the Districts’ sewer system and experience with sewer model development. GHD submitted a cost-effective proposal with hourly rates similar to those charged on other competitively selected projects. To properly configure the pilot study model, approximately 18 months of continuous sewer flow monitoring data is needed. Proposals were solicited and received from two qualified flow monitoring firms. ADS submitted the lowest cost proposal and was selected to provide the flow monitoring services based on their past performance and proposed approach to the work. This item is consistent with the Districts’ Guiding Principles of commitment to continual improvement; and commitment to operational excellence (protection of public health and the environment, regulatory compliance, and cost effectiveness).

3. Authorize Issuance of Purchase Orders as Follows:

- (a) To Leymaster Environmental Consulting, LLC, (Leymaster) in Amount of Approximately \$140,000 for Technical Field Services and Reporting for Remediation of Former Fletcher Oil and Refining Company (FORCO) Site

Summary: In 2000, the Districts purchased the 36-acre FORCO site located adjacent to the Joint Water Pollution Control Plant to accommodate potential future plant expansion. Due to the historical oil refinery operations, the property contains petroleum hydrocarbon contamination in the soil and groundwater, and remediation efforts for the site are on-going. Leymaster has provided remediation services at the FORCO site since 2009. Additional field work is necessary to provide the data to design the next phase of the remediation system and enhance the operation of the existing system. Leymaster has agreed to provide the required services at the same rates as negotiated in 2009 on a previous phase of the project, and its rates are lower than those provided by other consulting companies previously doing work at the site. Retaining Leymaster to perform the work is the most cost-effective approach for obtaining the necessary services. The proposed purchase order will cover a period of approximately one year. Staff has determined that the activities described herein are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21084 and Title 14 of the California Code of Regulations (“CEQA Guidelines”) Sections 15301 and 15306. This item is consistent with the Districts’ Guiding Principles of commitment to fiscal responsibility and prudent financial stewardship; and commitment to operational excellence (protection of public health and the environment, regulatory compliance, and cost effectiveness).

- (b) To Oracle America, Inc., (Oracle) in Amount of Approximately \$700,000 for Renewal of Cloud Hosting Services for E-Business Suite (EBS) and Work and Asset Management (WAM) Software for One-Year Period

Summary: The Board previously approved a purchase order to Oracle to provide cloud hosting services for the EBS and WAM business applications, which are used Districts-wide to manage human and

3. Contd.

financial resources and operational assets. Using Oracle to provide cloud hosting services is the most cost-effective approach to ensure compatibility with, and support of, the existing EBS and WAM systems. The Districts will only pay for actual usage under this renewal, and the total cost is based on average usage from the previous year plus a reserve to cover expected expansions and usage fluctuations. This item is consistent with the Districts' Guiding Principles to provide reliable and responsible services with safety first; and commitment to fiscal responsibility and prudent financial stewardship.

4. Appoint Solid Waste Department Head as Alternate Director to Puente Hills Landfill Native Habitat Authority (Authority)

Summary: The creation and funding of the Authority, which is responsible for acquiring and preserving native habitat in the Puente/Whittier Hills area, was a requirement of the conditional use permit for the Puente Hills Landfill. The Districts is one of four organizations which appoint Directors to the Authority who receive no compensation. The Districts provides staff support to the Authority; therefore, the Board previously appointed the Chief Engineer and General Manager as Director and the Assistant Chief Engineer and Assistant General Manager as Alternate Director. The proposed action will allow for additional flexibility in providing for continued Districts' participation in the Authority's activities. 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).

5. Authorize Settlement of Industrial Wastewater Connection Fee Obligations of GISG Group Incorporated in Principal Sum of \$69,503.64, Plus Penalty and Interest, and Authorize Chief Engineer and General Manager and District Counsel to Take All Appropriate Steps to Secure Collection of All Past Due Amounts, Including Authority to Institute Litigation, Stipulate to Judgement, and Execute Settlement Agreement That Provides for Payment of Indebtedness on Periodic Basis

Summary: This company does not dispute the connection fee amount due; however, it has claimed that it is not in a financial position to submit payment in full and has expressed a willingness to pay the balance in monthly installments. This authorization includes any amounts otherwise due and any additional amounts that become due prior to institution of litigation or settlement. This item is consistent with the Districts' Guiding Principle of commitment to fiscal responsibility and prudent financial stewardship.

6. Authorize Settlement of Industrial Wastewater Surcharge Obligations of Sierra Cheese Manufacturing Co., Inc., in Principal Sum of \$121,144.97, Plus Penalty and Interest, and Authorize Chief Engineer and General Manager and District Counsel to Take All Appropriate Steps to Secure Collection of All Past Due Amounts, Including Authority to Institute Litigation, Stipulate to Judgment, and Execute Settlement Agreement That Provides for Payment of Indebtedness on Periodic Basis

Summary: The company does not dispute the surcharge amount due; however, it has claimed that it is not in a financial position to submit payment in full and has expressed a willingness to pay the balance in monthly installments. This authorization includes any amounts otherwise due and any additional amounts that become due prior to institution of litigation or settlement. This item is consistent with the Districts' Guiding Principle of commitment to fiscal responsibility and prudent financial stewardship.

7. Approve and Order Executed Documents as Follows:

- (a) Settlement Agreement with California Country Club (CCC) for Payment of Recycled Water Costs for Fiscal Years (FY) 2017-2018, 2018-2019, 2019-2020, and 2020-2021

Summary: CCC has utilized recycled water from the San Jose Creek East Water Reclamation Plant to irrigate 120 acres of golf course property since 1978. Per CCC's current recycled water agreement with the Districts, CCC is responsible to pay the annual costs of recycled water usage within 45 days of the invoice date. A delay in billings by the Districts occurred for FY 2017-2018, 2018-2019, 2019-2020, and 2020-2021. The delays in billing were largely due to the complexity of the recycled water billing process, which relies upon supplemental information from CCC. Upon the final determination of costs due, CCC was invoiced for total outstanding costs for FY 17-18 through FY 20-21 in the amount of \$789,553.32. Upon receipt of the invoice, CCC requested a payment plan that allows periodic payments over time. The proposed settlement agreement would allow CCC to pay the full amount of outstanding costs in eight payments over a 24-month period beginning on October 31, 2022. Staff recommends approval of this payment plan in recognition of CCC's long-standing use of recycled water and delays associated with complexity of recycled water billing that staff is in the process of revising. Staff has determined that the approval of the Settlement Agreement does not constitute a "Project" under 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 to commitment to fiscal responsibility and prudent financial stewardship; and to maximize use of our assets and resources (recycled water, recyclables, and energy).

7. Contd.

- (b) [*Guaranty of Performance and Indemnification Agreement*](#) (Agreement) with Union Pacific Railroad Company (UPRR) Related to Transfer of Property Rights for Waste-by-Rail System

Summary: In 2012, the Districts entered into an Industry Track Agreement (ITA) with UPRR for construction, operation, and maintenance of rail improvements in UPRR right-of-way to serve the Puente Hills Intermodal Facility. Construction of the rail improvements, which were completed in July 2022, required the Districts to acquire permanent property rights such as easements from other parties along the rail alignment. The ITA required the Districts to enter into a Property Assembly Agreement (PAA), which was executed in November 2020, to transfer these property rights to UPRR. As allowed by the PAA, UPRR has refused certain maintenance and repair obligations and indemnities in 3 of the 14 property rights to be transferred. In order to complete the transfer of the property rights, UPRR requires that the Districts enter into the proposed Agreement to retain the obligations and indemnities for these three property rights. The long-term impact and cost of these considerations, which includes maintenance and repair of retaining walls and walkways and work to accommodate future improvements to the 60 Freeway, is anticipated to be minor. This item is consistent with the Districts' Guiding Principle of commitment to fiscal responsibility and prudent financial stewardship.

8. Re: Waste Disposal and Processing Agreement (WDPA)

- (a) Approve and Order Executed [*Termination Agreement and Release*](#) of WDPA with CR&R, Inc. (CR&R)
- (b) Authorize Districts' Chief Engineer and General Manager to Execute Future Amendments or Termination Agreements of WDPA with Other Companies Related to Lease of Districts' Facilities to Arakelian Enterprises, Inc. (Athens)

Summary: Market conditions and economic factors have resulted in a sustained drop of incoming material at Downey Area Recycling and Transfer Station (DART) and of the recyclables to the sorting line at the Puente Hills Materials Recovery Facility (PHMRF). In order to maximize productive use of these assets and generate additional revenue, staff solicited proposals from waste haulers to lease these facilities. Based on an evaluation of the proposals received, staff recommended, and the Board approved, to lease DART and the recyclables sorting line at the PHMRF to Athens effective August 1, 2022. Since the Districts will no longer operate DART, the existing WDPA with CR&R must be terminated since DART was the primary facility utilized by the company. Staff recommends that the Board authorize the Chief Engineer to execute future amendments and terminations affected by the Athens lease. Staff has determined that approval of the termination 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 Principle of commitment to fiscal responsibility and prudent financial stewardship.

Adjourn

Status Report: Prior to or during the meeting session, the Chief Engineer and General Manager may update the Directors on various matters concerning the Districts that may be of current interest to the Directors.

Public Comment: Members of the public may address the Board of Directors on any item shown on the agenda or matter under the Board's authority. A "Request to Address Board of Directors" form is available. In compliance with the Americans with Disabilities Act, if you require special assistance to participate in this meeting, please contact the Secretary to the Boards' Office (562) 908-4288, extension 1100. Notification of 48 hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility to this meeting. (28CFR 35.101 et seq. ADA Title II).

Document Requests: Links to supporting documents are available online at the time of posting. Agendas and supporting documents or other writings that will be distributed to Board members in connection with matters subject to discussion or consideration at this meeting that are not exempt from disclosure under the Public Records Act are available for inspection following the posting of this agenda at the office of the Secretary to the Boards of Directors located at the Districts' Joint Administration Building, 1955 Workman Mill Road, Whittier, California, 90601, or at the time of the meeting at the address posted on this agenda.

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, the 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 County of Los Angeles Department of Public Health Order of the Health Officer issued March 3, 2022 (the “County Order”) includes recommendations that all persons within the jurisdiction of the County of Los Angeles public health agency always practice required and recommended infection control measures when among others, especially in an indoor setting; 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 individuals with underlying health conditions that make them susceptible to severe COVID-19 illness and individuals who are not and cannot be vaccinated, that COVID-19 infection remains a significant health hazard to all residents, 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 THE 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, recommendations from health officers include ongoing masking, and social distancing practices especially for indoor settings and particularly for individuals who, due to vaccine status or underlying health conditions, continue to be at risk for severe illness, 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 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 the County Sanitation District No. 2 of Los Angeles County this 26th day of October 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

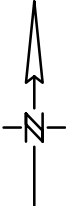
ABSENT:

Chairperson

SAN JOSE CREEK WATER RECLAMATION PLANT INTERCEPTOR SEWER CONNECTION 2



 PROJECT ROUTE



TO: BOARD OF DIRECTORS OF LOS ANGELES
COUNTY SANITATION DISTRICT NO. 2

RE: AGENDA ITEM NO. R-1(a)

FOR BOARD MEETING October 26, 2022

BIDS were received at the District Office on September 27, 2022

FOR San Jose Creek Water Reclamation Plant Interceptor Sewer Connection 2

No. of Bids Received: 4

<u>BIDDER</u>	<u>TOTAL BID</u>
Lucas Builders, Inc.	<u>\$1,049,750.00</u>
Aid Builders, Inc.	\$1,335,000.00
Charles King Company	\$1,363,028.00
Clarke Contracting Corporation	\$2,107,000.00

RECOMMENDATION:

Award contract to Lucas Builders, Inc., low bidder, in the amount of \$1,049,750.00.

Engineer's Estimate: \$1,100,000.00



Robert C. Ferrante
Chief Engineer and
General Manager

