



**Monday, November 23, 2020
Board of Directors Regular Meeting**

Time: 4:30 P.M.

IMPORTANT NOTICE REGARDING NOVEMBER 23, 2020 REGULAR BOARD MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

The livestream of the meeting can be viewed by clicking the "Video" icon on this page (which will be made available at the start of the meeting) or by visiting www.youtube.com/CostaMesaSanitary. In accordance with Executive Order N-29-20, the public may only view the meeting online and not in the District's Board Room.

To participate in the meeting by computer:

1. Copy and paste the following into your browser - <https://us02web.zoom.us/join>
2. Enter the Meeting ID number - 832 0989 2356
3. Click "Join."

To join the meeting with a mobile device:

1. Download the Zoom app at the Google Play Store (for Android devices) or the App Store (for Apple devices)
2. Open the Zoom app. Select "Join a Meeting."
3. Enter Zoom Meeting ID. Select "Join Meeting."

To join the meeting by phone:

1. Call 1-669-900-6833.
2. You will be asked to enter the Meeting ID number. Dial 832 0989 2356#
3. Lastly, you will be asked to enter your Participant ID. Press the # symbol again to bypass this step.

Public Comments: Members of the public can submit any comments in writing for the Board of Directors' consideration by sending them to the District Clerk, Noelani Middenway, at nmiddenway@cmsdca.gov. Those comments will be made part of the official public record of the meeting.

Obtaining Agenda Materials: The public is entitled to copies of all documents that are made part of the agenda packet. If any document or other writing pertaining to an agenda item is distributed to all or a majority of the Board after the packet is prepared, a copy of that writing may be obtained from the District Clerk's Office.

In Compliance with ADA: Contact District Clerk, Noelani Middenway, at (949) 645-8400, 48 hours prior to meeting if assistance is needed (28 CFR 35.102.35.104 ADA Title II).

A. OPENING ITEMS

1. Call to Order - President Ferryman
2. Pledge of Allegiance - President Ferryman

3. Invocation - Vice President Ooten

4. Roll Call - (If absences occur, consider whether to deem those absences excused based on facts presented for the absence – such determination shall be the permission required by law.)

5. Announcement of Late Communications - Unless directed otherwise by the Board of Directors, all actions shall be based on/memorialized by the latest document submitted as a late communication.

6. Ceremonial Matters and Presentations

B. Public Comments - This time has been set aside for persons in the audience to make comments on items within the subject matter jurisdiction of the Costa Mesa Sanitary District that are not listed on this agenda. Members of the public will have the opportunity to address the Board of Directors about all other items on this agenda at the time those items are considered. Under the provisions of the Brown Act, the Board of Directors is prohibited from taking action on oral requests but may refer the matter to staff or to a subsequent meeting. The Board of Directors will respond after public comment has been received. Please state your name. Each speaker will be limited to four (4) continuous minutes.

1. Public Comments

C. CONSENT CALENDAR - All matters listed on the consent calendar are considered to be routine and may be acted upon by one motion after public comment has been received. Only Board of Directors may pull an item for discussion. Reading of resolutions is waived and they will be adopted and numbered. Now is the time for those in the audience who wish to speak to items listed on the consent calendar. Each speaker will be limited to four (4) continuous minutes of comment on the consent calendar as a whole.

1. Approve Consent Calendar

2. Approve the Board of Directors Study Session Minutes of October 13, 2020

3. Approve the Board of Directors Regular Meeting Minutes of October 26, 2020

4. Adopt Warrant Resolution No. CMSD 2021-05 Approving District Warrant Registers

5. Approve the Directors' Compensation and Reimbursement of Expenses

6. Approve Payroll Transparency Disclosure for October 2020

7. Accept the occupancy count as presented as 22,986 and direct staff to prepare a warrant to CR&R Environmental Services for \$238,215.41 for October 2020 collection

8. Approve the preparation of a warrant to CR Transfer in the amount of \$239,484.24 for October 2020 recycling and disposal services in the November 2020 warrant register

9. Receive and File the October 2020 Organics Tonnage Report

10. Receive and File the October 2020 Solid Waste Diversion Report

11. Receive and File Contracts Signed by the General Manager - October 2020

12. Approve the Investment Report for the Month of October 2020

D. PUBLIC HEARINGS

E. GENERAL MANAGER'S REPORTS

F. ENGINEER'S REPORTS



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A. OPENING ITEMS

Subject **1. Call to Order - President Ferryman**

| | |
|---------|---------------------------------------------------|
| Meeting | Nov 23, 2020 - Board of Directors Regular Meeting |
| Access | Public |
| Type | Procedural |

A. OPENING ITEMS

| | |
|----------------|-----------------------------------------------------|
| Subject | 2. Pledge of Allegiance - President Ferryman |
| Meeting | Nov 23, 2020 - Board of Directors Regular Meeting |
| Access | Public |
| Type | Procedural |

A. OPENING ITEMS

Subject

3. Invocation - Vice President Ooten

Meeting

Nov 23, 2020 - Board of Directors Regular Meeting

Access

Public

Type

Procedural

A. OPENING ITEMS

Subject **4. Roll Call - (If absences occur, consider whether to deem those absences excused based on facts presented for the absence – such determination shall be the permission required by law.)**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Procedural

James Ferryman, President
Robert Ooten, Vice President
Arlene Schafer, Secretary
Michael Scheafer, Director
Arthur Perry, Director

A. OPENING ITEMS

| | |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject | 5. Announcement of Late Communications - Unless directed otherwise by the Board of Directors, all actions shall be based on/memorialized by the latest document submitted as a late communication. |
| Meeting | Nov 23, 2020 - Board of Directors Regular Meeting |
| Access | Public |
| Type | Procedural |

A. OPENING ITEMS

Subject

6. Ceremonial Matters and Presentations

Meeting

Nov 23, 2020 - Board of Directors Regular Meeting

Access

Public

Type

Procedural

B. Public Comments - This time has been set aside for persons in the audience to make comments on items within the subject matter jurisdiction of the Costa Mesa Sanitary District that are not listed on this agenda. Members of the public will have the opportunity to address the Board of Directors about all other items on this agenda at the time those items are considered. Under the provisions of the Brown Act, the Board of Directors is prohibited from taking action on oral requests but may refer the matter to staff or to a subsequent meeting. The Board of Directors will respond after public comment has been received. Please state your name. Each speaker will be limited to four (4) continuous minutes.

Subject

1. Public Comments

Meeting

Nov 23, 2020 - Board of Directors Regular Meeting

Access

Public

Type

Procedural

C. CONSENT CALENDAR - All matters listed on the consent calendar are considered to be routine and may be acted upon by one motion after public comment has been received. Only Board of Directors may pull an item for discussion. Reading of resolutions is waived and they will be adopted and numbered. Now is the time for those in the audience who wish to speak to items listed on the consent calendar. Each speaker will be limited to four (4) continuous minutes of comment on the consent calendar as a whole.

Subject 1. Approve Consent Calendar

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Action (Consent)

Recommended That the Board of Directors approve the Consent Calendar as presented.
Action

All matters listed on the consent calendar are considered to be routine and may be acted upon by one motion after public comment has been received. Only Board of Directors may pull an item for discussion. Reading of resolutions is waived and they will be adopted and numbered. Now is the time for those in the audience who wish to speak to items listed on the consent calendar. Each speaker will be limited to four (4) continuous minutes of comment on the consent calendar as a whole.

C. CONSENT CALENDAR - All matters listed on the consent calendar are considered to be routine and may be acted upon by one motion after public comment has been received. Only Board of Directors may pull an item for discussion. Reading of resolutions is waived and they will be adopted and numbered. Now is the time for those in the audience who wish to speak to items listed on the consent calendar. Each speaker will be limited to four (4) continuous minutes of comment on the consent calendar as a whole.

Subject **2. Approve the Board of Directors Study Session Minutes of October 13, 2020**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Action (Consent), Minutes

Recommended That the Board of Directors approve the meeting minutes as presented.
Action

Minutes [View Minutes](#) for Oct 13, 2020 - Board of Directors Study Session

To: **Board of Directors**

Via: **Scott Carroll, General Manager**

From: **Gina Terraneo, Management Analyst II**

Date: **November 23, 2020**

Subject: **Approve the Board of Directors Study Session Minutes of October 13, 2020**

Summary

The recorded minutes of the October 13, 2020 Board of Directors Study Session are hereby submitted to the Board of Directors for review and approval.

Analysis

Attached to the staff report are the minutes for the Board of Directors Study Session on October 13, 2020.

Staff Recommendation

That the Board of Directors approve the meeting minutes as presented.

Legal Review

Not applicable.

Environmental Review

Consideration of public meeting minutes is an administrative matter and is exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.). Section 15300.4 of CEQA allows an agency while establishing its own procedures "to list those specific activities which fall within each of the exempt classes", and the District has adopted "CEQA Guidelines and Implementing Procedures" that state on page 6 "Projects" does not include C. Continuing administrative or maintenance activities."

Financial Review

Not applicable.

Public Notice Process

Copies of this report are on file and will be included in the complete agenda packet for the November 23, 2020 Board of Directors Regular Meeting at District Headquarters and posted on the District's website.

Alternative Actions

1. Do not approve the meeting minutes as presented.
2. Direct staff to report back with more information.

File Attachments
[minutes_2020_10_13_ss.pdf \(160 KB\)](#)

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Subject **3. Approve the Board of Directors Regular Meeting Minutes of October 26, 2020**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Action (Consent), Minutes

Recommended That the Board of Directors approve the meeting minutes as presented.
Action

Minutes [View Minutes](#) for Oct 26, 2020 - Board of Directors Regular Meeting

To: Board of Directors

Via: Scott Carroll, General Manager

From: Gina Terraneo, Management Analyst II

Date: November 23, 2020

Subject: Approve the Board of Directors Regular Meeting Minutes of October 26, 2020

Summary

The recorded minutes of the October 26, 2020 Board of Directors Regular Meeting are hereby submitted to the Board of Directors for review and approval.

Staff Recommendation

That the Board of Directors approve the meeting minutes as presented.

Analysis

Attached to the staff report are the minutes for the Board of Directors Regular Meeting on October 26, 2020.

Legal Review

Not applicable.

Environmental Review

Consideration of public meeting minutes is an administrative matter and is exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.). Section 15300.4 of CEQA allows an agency while establishing its own procedures "to list those specific activities which fall within each of the exempt classes", and the District has adopted "CEQA Guidelines and Implementing Procedures" that state on page 6 "Projects" does not include C. Continuing administrative or maintenance activities."

Financial Review

Not applicable.

Public Notice Process

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Alternative Actions

1. Do not approve the meeting minutes as presented.
2. Direct staff to report back with more information.

File Attachments

[minutes_2020_10_26_rm.pdf \(239 KB\)](#)

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Subject **4. Adopt Warrant Resolution No. CMSD 2021-05 Approving District Warrant Registers**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Action, Action (Consent)

Budgeted Yes

Recommended That the Board of Directors adopt Warrant Resolution No. CMSD 2021-05
Action approving District warrants for the month of October in the amount of
\$946,010.95.

To: Board of Directors

Via: Scott Carroll, General Manager

From: Lieu Tran, Accountant

Date: November 23, 2020

Subject: Adopt Warrant Resolution No. CMSD 2021-05 Approving District Warrant Registers

Summary

Attached is the Warrant Resolution, which ratifies the payment of certain claims and demands and specifies the funds from which they were paid.

Recommendation

That the Board of Directors approve and file the report.

Analysis

Attached is the Warrant Resolution, which ratifies the payment of certain claims and demands and specifies the funds from which they were paid.

Legal Review

Not Applicable.

Environmental Review

Subject activity is exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.). Section 15300.4 of CEQA allows an agency while establishing its own procedures "to list those specific activities which fall within each of the exempt classes", and the District has adopted "CEQA Guidelines and Implementing Procedures" that state on page 6 "'Projects" does not include C. Continuing administrative or maintenance activities."

Financial Review

Sufficient funds are available in the adopted budget.

Public Notice Process

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Alternative Actions

Refer item back to staff with further instructions.

File Attachments

[WARRANT RESO 2021-05.pdf \(121 KB\)](#)

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Subject 5. Approve the Directors' Compensation and Reimbursement of Expenses

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Action (Consent)

Recommended That the Board of Directors approve the compensation and reimbursement of
Action expenses as presented.

To: Board of Directors

Via: Scott Carroll, General Manager

From: Noelani Middenway, District Clerk & Public Information Officer

Date: November 23, 2020

Subject: Directors' Compensation and Reimbursement of Expenses

Summary

The Directors' Compensation and Reimbursement of Expenses are hereby submitted to the Board of Directors for review and approval.

Analysis

Attached to the staff report are the Directors' Compensation and Reimbursement of Expenses.

Staff Recommendation

That the Board of Directors approve the compensation and reimbursement of expenses as presented.

Legal Review

Not applicable.

Environmental Review

Consideration of the compensation and reimbursement of expenses is an administrative matter and is exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.). Section 15300.4 of CEQA allows an agency while establishing its own procedures "to list those specific activities which fall within each of the exempt classes", and the District has adopted "CEQA Guidelines and Implementing Procedures" that state on page 6. "Projects" does not include C. Continuing administrative or maintenance activities."

Financial Review

Not applicable.

Public Notice Process

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Alternative Actions

1. Do not approve the compensation and reimbursement of expenses as presented.
2. Direct staff to report back with more information.

File Attachments
[board_comp.pdf \(389 KB\)](#)

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Subject 6. Approve Payroll Transparency Disclosure for October 2020

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Action (Consent)

Budgeted Yes

Recommended Action That the Board of Directors approve and file the report.

Goals 4.7 Demonstrate outstanding efforts in transparency
7.0 Finance

To: Board of Directors

Via: Scott Carroll, General Manager

From: Lieu Tran, Accountant

Date: November 23, 2020

Subject: Approve Payroll Transparency Disclosure for October 2020

Summary

Attached is the Payroll General Ledger Distribution Report summarizing each payroll during the month.

Recommendation

That the Board of Directors approve and file the report.

Analysis

Attached is the Payroll General Ledger Distribution Report summarizing each payroll during the month.

Legal Review

Not Applicable.

Environmental Review

Subject activity is exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.). Section 15300.4 of CEQA allows an agency while establishing its own procedures "to list those specific activities which fall within each of the exempt classes", and the District has adopted "CEQA Guidelines and Implementing Procedures" that state on page 6 "'Projects" does not include C. Continuing administrative or maintenance activities."

Financial Review

Sufficient funds are available in the adopted budget.

Public Notice Process

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Alternative Actions

Refer item back to staff with further instructions.

File Attachments

[Payroll Transparency Disclosure Oct 2020.pdf \(1,113 KB\)](#)

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Subject 7. Accept the occupancy count as presented as 22,986 and direct staff to prepare a warrant to CR&R Environmental Services for \$238,215.41 for October 2020 collection

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Action (Consent)

Recommended Action That the Board of Directors accept the occupancy count as presented using 22,986 as the correct number of active units and direct staff to prepare a warrant to CR&R Environmental Services for October 2020 collection based on this occupancy report so long as the contractor fulfills the obligations of the agreement in the amount of \$238,215.41 to be ratified in the November 2020 warrant list.

To: Board of Directors

Via: Scott Carroll, General Manager

From: Nabila Guzman, Management Analyst I

Date: November 23, 2020

Subject: Accept the occupancy count as presented using 22,986 as the correct number of active units and direct staff to prepare a warrant to CR&R Environmental Services for \$238,215.41 for October 2020 collection

Summary

Accept the occupancy count as presented using 22,986 as the correct number of active units and direct staff to prepare a warrant to CR&R Environmental Services for October 2020 collection based on this occupancy report so long as the contractor fulfills the obligations of the agreement in the amount of \$238,215.41 to be ratified in the November 2020 warrant list.

Recommendation

That the Board of Directors accept the occupancy count as presented using 22,986 as the correct number of active units and direct staff to prepare a warrant to CR&R Environmental Services for October 2020 collection based on this occupancy report so long as the contractor fulfills the obligations of the agreement in the amount of \$238,215.41 to be ratified in the November 2020 warrant list.

Analysis

The occupancy count is the number of residential customers that the District pays CR&R for the trash truck to stop and pick-up trash. The District pays CR&R \$10.3635 per occupant, per month. Each month, new residential customers in brand-new developments contact the District to establish new trash service. District staff contacts CR&R to approve the drop-off of carts at the residence, which results in an increase in the occupancy count as shown on the attached list.

As of October 31, 2020, total District occupancy was at 22,986 with one (1) new accounts added since the last billing period. District staff will continue to track the number of new service addresses.

The payment calculation is based on the following:

District's Current Rate for October 2020:

22,986 x \$10.3635 =\$238,215.41

Legal Review

Not Applicable

Environmental Review

Subject activity is exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.). Section 15300.4 of CEQA allows an agency while establishing its own procedures "to list those specific activities which fall within each of the exempt classes", and the District has adopted "CEQA Guidelines and Implementing Procedures" that state on page 6 "'Projects" does not include C. Continuing administrative or maintenance activities."

Financial Review

Sufficient funds are available in the adopted budget to pay for the services provided.

Public Notice Process

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Alternative Actions

Refer item back to staff with further instructions.

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Subject 8. Approve the preparation of a warrant to CR Transfer in the amount of \$239,484.24 for October 2020 recycling and disposal services in the November 2020 warrant register

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Action (Consent)

Recommended Action That the Board of Directors approves the preparation of a warrant to CR Transfer in the amount of \$239,484.24 for October 2020 recycling and disposal services to be ratified in the November 2020 warrant register.

To: Board of Directors

Via: Scott Carroll, General Manager

From: Nabila Guzman, Management Analyst I

Date: November 23, 2020

Subject: Approve the preparation of a warrant to CR Transfer in the amount of \$239,484.24 for October 2020 recycling and disposal services in the November 2020 warrant register

Summary

This payment to CR Transfer is for the sorting of recyclables from the mixed waste and disposal of the remaining waste at the landfill. With the implementation of the Organics Recycling Program adopted by the Board, this payment also includes the diverting of the organics waste to the Anaerobic Digestion facility to be recycled into fertilizer or renewable natural gas to fuel the refuse trucks.

Recommendation

That the Board of Directors approves the preparation of a warrant to CR Transfer in the amount of \$239,484.24 for October 2020 recycling and disposal services to be ratified in the November 2020 warrant register.

Analysis

Below is a chart depicting the total tonnage and payments due for residential and organic waste collected in Costa Mesa and Newport Beach.

Due to weight ticket calculation rounding, monthly invoices may be slightly off by a few pennies. Invoices that are slightly off are marked by an asterisk below.

| Type of Waste | Invoice | Tonnage | Rate | Amount Billed |
|-----------------------------------|----------------|-----------------|-------------|----------------------|
| Residential Waste - Costa Mesa | 39586 | 1,426.32 | \$54.98 | \$78,419.09* |
| Residential Waste - Costa Mesa | 39630 | 1,510.18 | \$54.98 | \$83,029.68* |
| Residential Waste - Newport Beach | 39631 | 39.98 | \$54.98 | \$2,198.10 |
| Residential Waste - Newport Beach | 39587 | 41.08 | \$54.98 | \$2,258.58 |
| Total Residential Waste | | 3,017.56 | | \$165,905.45 |
| Organics | 39623 | 486.31 | \$75.65 | \$36,789.39* |

| | | | | |
|-----------------------|-------|-----------------|---------|---------------------|
| Organics | 39667 | 486.31 | \$75.65 | \$36,789.40* |
| Total Organics | | 972.62 | | \$73,578.79 |
| Grand Total | | 3,990.18 | | \$239,484.24 |

Legal Review

Not Applicable

Environmental Review

Subject activity is exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.). Section 15300.4 of CEQA allows an agency while establishing its own procedures “to list those specific activities which fall within each of the exempt classes”, and the District has adopted “CEQA Guidelines and Implementing Procedures” that state on page 6 “Projects” does not include C. Continuing administrative or maintenance activities.”

Financial Review

Sufficient funds are available in the adopted budget to pay for the services provided.

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Alternative Actions

Refer item back to staff with further instructions.

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Subject 9. Receive and File the October 2020 Organics Tonnage Report

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Receive and File

To: Board of Directors

Via: Scott Carroll, General Manager

From: Nabila Guzman, Management Analyst I

Date: November 23, 2020

Subject: Receive and File the October 2020 Organics Tonnage Report

Summary

A total of 972.62 tons of organic waste were collected in October 2020.

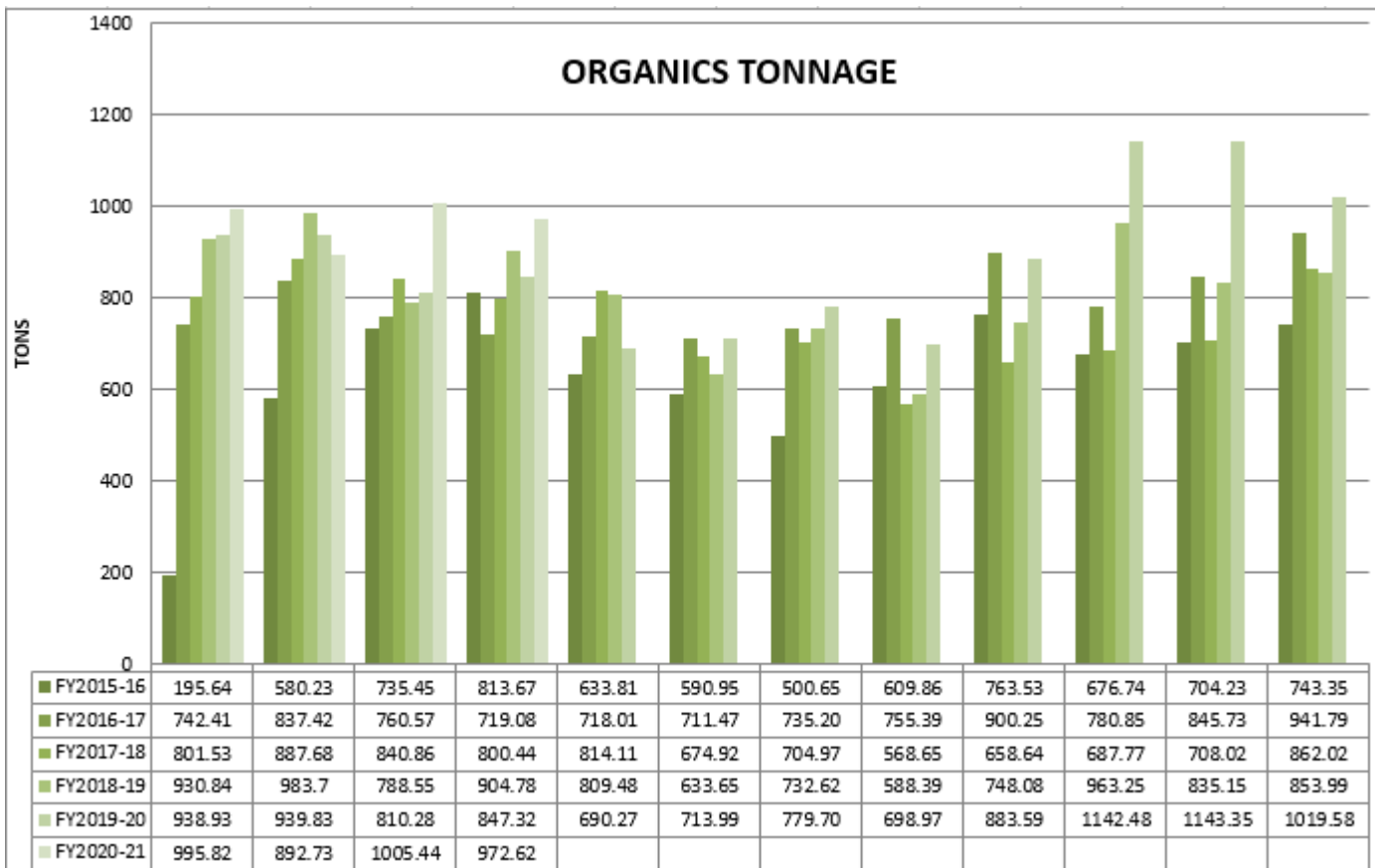
Staff Recommendation

That the Board of Directors receive and file this report.

Analysis

Below is a graph depicting the total tonnage of organic waste collected during each month of the last five fiscal years. Additionally, a graph is included breaking down the total tonnage collected and how much material was recycled and landfilled from the organics program.

| Fiscal Year 2020-2021 | | | |
|------------------------------|-----------------|-------------------|------------------------|
| Month | Recycled | Landfilled | Total Collected |
| July | 949.97 | 45.85 | 995.82 |
| August | 851.62 | 41.11 | 892.73 |
| September | 959.14 | 46.3 | 1005.44 |
| October | 927.84 | 44.78 | 972.62 |
| November | | | |
| December | | | |
| January | | | |
| February | | | |
| March | | | |
| April | | | |
| May | | | |
| June | | | |



Legal Review

Not applicable.

Environmental Review

Consideration of the Organics Tonnage Report is an administrative matter and not a disturbance of the environment similar to grading or construction and not a project under CEQA or the District's CEQA Guidelines.

Financial Review

Not applicable.

Public Notice Process

Copies of this report are on file and will be included in the complete agenda packet for the November 23, 2020 Board of Directors Regular meeting at District Headquarters and posted on the District's website.

File Attachments

[Organics.png \(7 KB\)](#)

[Organics Chart.png \(14 KB\)](#)

C. CONSENT CALENDAR - All matters listed on the consent calendar are considered to be routine and may be acted upon by one motion after public comment has been received. Only Board of Directors may pull an item for discussion. Reading of resolutions is waived and they will be adopted and numbered. Now is the time for those in the audience who wish to speak to items listed on the consent calendar. Each speaker will be limited to four (4) continuous minutes of comment on the consent calendar as a whole.

Subject 10. Receive and File the October 2020 Solid Waste Diversion Report

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Receive and File

To: Board of Directors

Via: Scott Carroll, General Manager

From: Nabila Guzman, Management Analyst I

Date: November 23, 2020

Subject: Receive and File the October 2020 Solid Waste Diversion Report

Summary

Per direction from the Board of Directors the monthly solid waste diversion report has been temporarily suspended due to inaccurate data as a result from the COVID-19 pandemic.

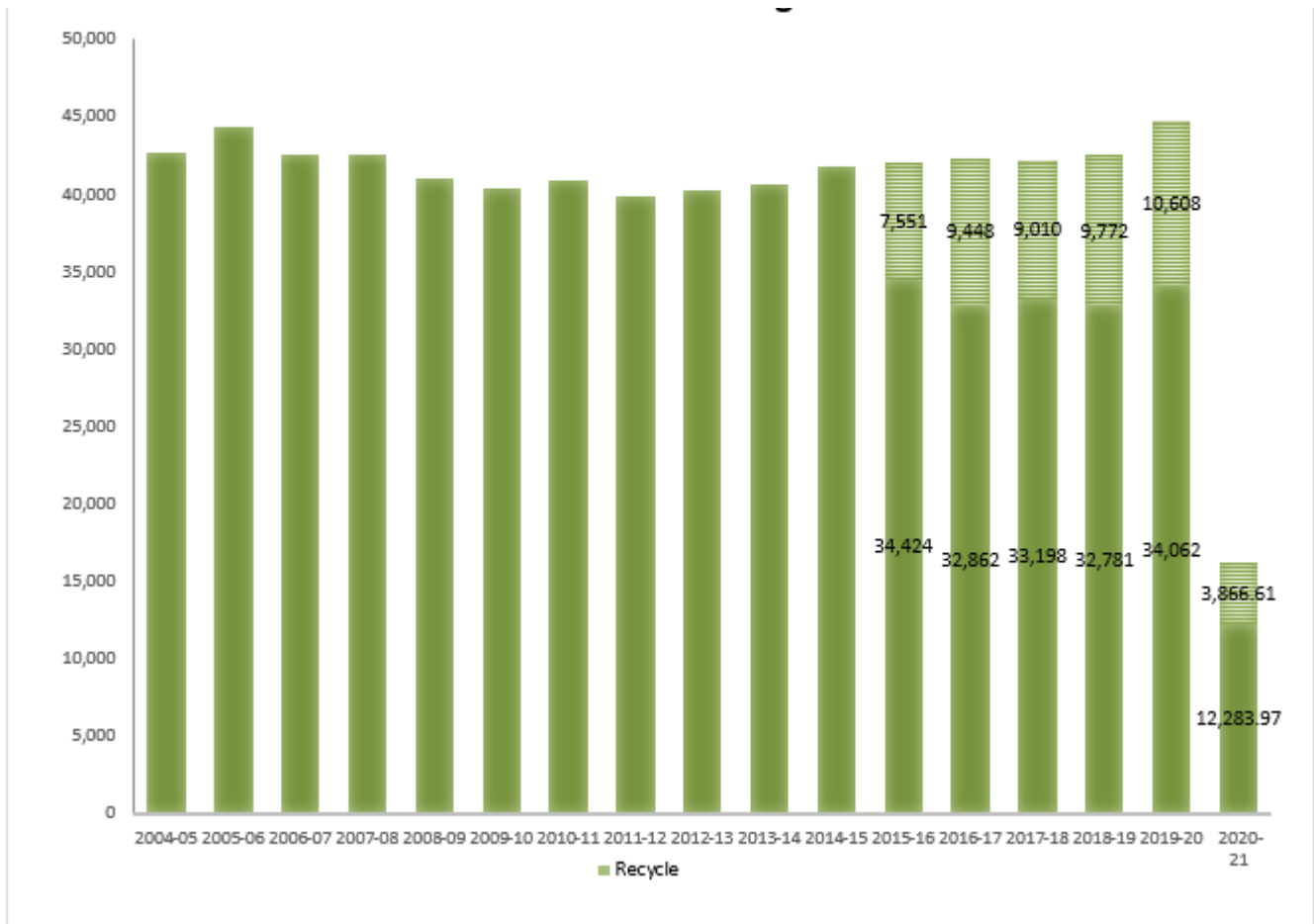
Staff Recommendation

That the Board of Directors receive and file this report.

Analysis

Per direction from the Board of Directors at the April 14, 2020 Study Session meeting, the monthly solid waste diversion report has been temporarily suspended. Due to the COVID-19 pandemic, CR&R Environmental Services has temporarily suspended recycling processing at their Stanton Materials Recovery Facility (MRF) where the District's mixed waste is processed. Below is a chart of all solid waste collected over the last sixteen years.

| Fiscal Year | 2004-05 | 2005-06 | 2006-07 | 2007-08 | 2008-09 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Recycle | 42,731 | 44,312 | 42,596 | 42,521 | 40,986 | 40,373 | 40,879 | 39,841 | 40,255 | 40,674 | 41,774 | 34,424 | 32,862 | 33,198 | 32,781 |
| Organics | | | | | | | | | | | | 7,551 | 9,448 | 9,010 | 9,772 |
| Total | 42,731 | 44,312 | 42,596 | 42,521 | 40,986 | 40,373 | 40,879 | 39,841 | 40,255 | 40,674 | 41,774 | 41,975 | 42,310 | 42,208 | 42,553 |



Legal Review

Not applicable.

Environmental Review

Consideration of the Organics Tonnage Report is an administrative matter and not a disturbance of the environment similar to grading or construction and not a project under CEQA or the District’s CEQA Guidelines.

Financial Review

Not applicable.

Public Notice Process

Copies of this report are on file and will be included in the complete agenda packet for the November 23, 2020 Board of Directors Regular meeting at District Headquarters and posted on the District’s website.

File Attachments
 Tonnage.png (37 KB)

C. CONSENT CALENDAR - All matters listed on the consent calendar are considered to be routine and may be acted upon by one motion after public comment has been received. Only Board of Directors may pull an item for discussion. Reading of resolutions is waived and they will be adopted and numbered. Now is the time for those in the audience who wish to speak to items listed on the consent calendar. Each speaker will be limited to four (4) continuous minutes of comment on the consent calendar as a whole.

Subject 11. Receive and File Contracts Signed by the General Manager - October 2020

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Action (Consent)

Recommended That the Board of Directors receive and file this report.
Action

Goals 6.0 Administrative Management

To: Board of Directors

From: Scott Carroll, General Manager

Date: November 23, 2020

Subject: Receive and File Contracts Signed by the General Manager - October 2020

Summary

At the January 24, 2019 Board of Directors meeting, the Board directed the General Manager to submit a list of contracts he signed during the previous month. Below are the contracts he signed in the months of October 2020.

Recommendation

That the Board of Directors receive and file this report.

Analysis

Below are the contracts signed by the General Manager in the month of October 2020:

Contracts

1. The Pape Group, Inc. – Preventative maintenance service on 15 generators. Cost: **\$9,176.00**
2. SpringML - Manhole detection and grading system (using artificial intelligence to detect dilapidated manhole covers). Cost **42,500**
3. Google Cloud Platform Usage - Manhole detection and grading system (using artificial intelligence to detect dilapidated manhole covers). Cost: **\$3,600**

Purchase Orders

1. American Integrated Services Inc. – Sample water quality testing in Caltrans storm drain due to 10/2/20 SSO inside Mesa Drive Bridge. This service was deemed an emergency by the General Manager and approved waiving bidding procedures and executing standard District contract. Cost: **\$11,124.00**
2. American Integrated Services, Inc. - Cleaning of 102-inch Caltrans storm drain due to 10/2/20 SSO inside Mesa Drive Bridge. This serve was deemed an emergency by the General Manager and approved waiving

- bidding procedures and executing standard District contract. Cost: **\$78,508**
3. Hadronex – manufacturer that provides smart cover technology allowing staff to monitor wastewater flow from certain parts of the collection system. Cost: **\$13,468.00.**
 4. TAC Energy – purchase clear renewable diesel. Cost: **\$3,245.81**
 5. OC Glazing – Automatic front door operator with 2 wireless push buttons at HQ. Cost: **\$1,662.00**
 6. Orange Coast Electric – Install 120 volt power & switches for automatic front door at HQ. Cost: **\$1,185.00**

Legal Review

All contracts are reviewed and approved by District Counsel before contracts are executed.

Environmental Review

Providing the Board of Directors a monthly list of contracts signed by the General Manager is an administrative matter that will not result in direct or indirect physical changes in the environment and is not considered a "project".

Financial Review

There is adequate funding in the budget for the expenses referenced above.

Public Notice Process

Copies of this report are on file and will be included with the entire agenda packet for the November 23, 2020 Board of Directors meeting at District Headquarters and on District website at www.cmsdca.gov

Alternative Actions

1. Direct staff to report back with more information.

All matters listed on the consent calendar are considered to be routine and may be acted upon by one motion after public comment has been received. Only Board of Directors may pull an item for discussion. Reading of resolutions is waived and they will be adopted and numbered. Now is the time for those in the audience who wish to speak to items listed on the consent calendar. Each speaker will be limited to four (4) continuous minutes of comment on the consent calendar as a whole.

C. CONSENT CALENDAR - All matters listed on the consent calendar are considered to be routine and may be acted upon by one motion after public comment has been received. Only Board of Directors may pull an item for discussion. Reading of resolutions is waived and they will be adopted and numbered. Now is the time for those in the audience who wish to speak to items listed on the consent calendar. Each speaker will be limited to four (4) continuous minutes of comment on the consent calendar as a whole.

Subject **12. Approve the Investment Report for the Month of October 2020**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Action (Consent)

Recommended That the Board of Directors approve the Investment Report for the month of
Action October 2020.

To: Board of Directors

From: Marc Davis, District Treasurer

Date: November 23, 2020

Subject: Approve the Investment Report for the Month of October 2020

Summary

Attached is the Investment Report for the month of October 2020. As required by the District's Statement of Investment Policy, the Investment Report delineates all investment activity during the month.

Recommendation

That the Board of Directors approve the Investment Report for the month of October 2020.

Analysis

This report lists the types of securities held in the District's portfolio, the institutions from which the securities were purchased, maturity dates and interest rates as of October 31, 2020. The District's investments are in compliance with the Statement of Investment Policy adopted by the Board at the June 22, 2020 regular meeting, as well as the California Government Code. The market values in this report were provided by our third party custodian, Pershing, LLC, except for the Local Agency Investment Fund (LAIF). The market value of LAIF was provided by the State Treasurer's Office. It does not represent the value of the underlying securities within the pool, but rather the par or cost amount, which is the amount the District is entitled to withdraw. This reporting practice is consistent with industry standard practices for similar funds.

The weighted average stated rate of return (current yield) for the District's investment portfolio as of October 31, 2020, was 0.788%. The yield to maturity of the portfolio was 0.790%. The District's weighted average interest rate was 17 basis points (0.168%) above the LAIF average monthly rate for October 2020 of 0.620%. The weighted average number of days to maturity for the District's total portfolio was 1,079 days (2.96 years). The duration of the underlying securities in LAIF as of October 31, 2020 was 177 days.

The District's investment portfolio is in compliance with its liquidity limitations, which requires that a minimum of 20.00% of the portfolio must mature within one year. The percentage of the portfolio maturing in one year or less as of October 31, 2020 was 25.68%. The District has adequate cash reserves necessary to meet its obligations for the next six months.

The rating on one of the District's investments, Wells Fargo medium term note, is BBB+ by Standard & Poor's. Moody's continues to rate the security as A2. The California Government Code requires that the security be rated

in the top three ratings by a nationally recognized rating agency, which the security is. The security was placed on the District's watch list and the ratings will continue to be monitored. The District's Investment Policy allows for a security to continue to be held if it falls out of compliance.

Additionally, per the District's Investment Policy, investments in certificates of deposit (CDs) and negotiable CDs cannot exceed 30.00% at the time of purchase. As of October 31, 2020, the percent invested in CDs and negotiable CDs was 30.63%. The amount in excess of 30% is a result of a decline in the total portfolio during the District's dry revenue period. Until such time as the CDs and negotiable CDs balance drops below 30.00%, no further investments in CDs and negotiable CDs will be made.

A majority of the District's cash and investments is reserved or set aside for specific purposes. A description of the various classifications of the District's cash and investments are as follows:

Solid Waste Fund:

Operating Reserve - Equal to 30% of the operations budget of the Solid Waste Fund per Operations Code Section 4.030.020. The Operating Reserve can only be accessed with prior Board approval.

Designated for Revenue Dry Period - Equal to 5 months of budgeted operating expenses for the fiscal year to cover the cash deficit during the period in which the District does not receive any of its annual charges from the County of Orange. The revenue dry period is from June through October.

Undesignated - Remaining available cash, which is currently used for rate stabilization and payment of organics recycling costs.

Wastewater Fund:

Operating Reserve - Equal to 25% of the operations budget of the Wastewater Fund per Operations Code Section 4.030.020. The Operating Reserve can only be accessed with prior Board approval.

Reserved for Capital Outlay - Set aside for capital improvement projects approved and budgeted by the Board, but which have not yet been completed.

Designated for Revenue Dry Period - Equal to 5 months of budgeted operating expenses for the fiscal year to cover the cash deficit during the period in which the District does not receive any of its annual charges from the County of Orange. The revenue dry period is from June through October.

Undesignated - Remaining available cash, which is available to be appropriated by the Board.

Facilities Revolving Fund - Collection of fixture fees which is a restricted revenue source and can only be used for new sewer facilities.

Asset Replacement Fund - Accumulation of funds for replacement of vehicles, equipment and computers.

Asset Management Fund - Accumulation of funds in accordance with the asset management model for long-term replacement of sewer pipes and related infrastructure.

Legal Review

Legal review is not required.

Environmental Review

Subject activity is exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.). Section 15300.4 of CEQA allows an agency while establishing its own procedures "to list those specific activities which fall within each of the exempt classes", and the District has adopted "CEQA Guidelines and Implementing Procedures" that state on page 6, "'Projects" does not include....C. Continuing administrative or maintenance activities."

Financial Review

The portfolio was budgeted to earn an average rate of 1.392% for the year ending June 30, 2021. Through October 31, 2020, the portfolio has earned a weighted average interest rate of 0.912%.

Public Notice Process

Copies of this report are on file and will be included with the entire agenda packet for the November 23, 2020 Board of Directors regular meeting at District Headquarters (290 Paularino Avenue) and on the District's website at www.cmsdca.gov.

Alternative Actions

Refer the matter back to staff.

File Attachments
[Investment Report - October 2020.pdf \(733 KB\)](#)

All matters listed on the consent calendar are considered to be routine and may be acted upon by one motion after public comment has been received. Only Board of Directors may pull an item for discussion. Reading of resolutions is waived and they will be adopted and numbered. Now is the time for those in the audience who wish to speak to items listed on the consent calendar. Each speaker will be limited to four (4) continuous minutes of comment on the consent calendar as a whole.

F. ENGINEER'S REPORTS

Subject **1. Receive and File the Monthly Capital Improvements Project Status Report**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Receive and File

Goals 4.7 Demonstrate outstanding efforts in transparency
7.2 Develop a long term CIP
1.10 Abandon five pump stations on the west side in conjunction with Orange County Sanitation District companion project
1.4 System Wide Sewer Replacement and Repair Program
1.1 Manhole Cover Maintenance Program
1.0 Sewer Infrastructure

To: Board of Directors

Via: Scott Carroll, General Manager

From: Michael Benesh, District Engineer

Date: November 23, 2020

Subject: Capital Improvement Projects Status Report

Summary

Attached is a summary of the Capital Improvement Project activities during the month.

Recommendation

That the Board of Directors receive and file the report.

Analysis

Attached is a summary of the Capital Improvement Project activities during the month.

There are 2 projects currently out to bid: Project #333 ARV Removal at Mesa Bridge and Project #324 Brick Manhole Rehab.

Project #318, President Pump Station Remodel will start construction next month. Currently, staff is reviewing the material submittals from the contractor.

Project #328. DIP Rehabilitation will go out to bid in December.

Legal Review

Not Applicable.

Environmental Review

Subject activity is exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.). Section 15300.4 of CEQA allows an agency while establishing its own procedures "to list those specific activities which fall within each of the exempt classes", and the District has adopted "CEQA Guidelines and Implementing Procedures" that state on page 6 "'Projects" does not include C. Continuing administrative or maintenance activities."

Financial Review

Sufficient funds are available in the adopted budget.

Public Notice Process

Copies of this report are on file and will be included with the complete agenda packet for the November 23, 2020 Board of Directors Regular meeting at District Headquarters and posted on the District's website www.cmsdca.gov.

Alternative Actions

1. Refer item back to staff with further instructions.

File Attachments

[CIP Updates Nov 2020 Mtg.pdf \(709 KB\)](#)

H. ATTORNEY'S REPORTS

| | |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Subject | 1. New FPPC Rule on the "Public Generally" Exception |
| Meeting | Nov 23, 2020 - Board of Directors Regular Meeting |
| Access | Public |
| Type | Action, Receive and File |
| Fiscal Impact | No |
| Recommended Action | That the Board of Directors receive and file this report and be aware of the Regulation 18703 that governs the "public generally" exception. |
| Goals | 6.0 Administrative Management 6.6 Administrative Management - Stay informed of Federal and State legislation |
| To: | Board of Directors |
| From: | District Counsel |
| Date: | November 23, 2020 |
| Subject: | New FPPC Rule on the "Public Generally" Exception |

Summary

This presentation is to make you aware of the new FPPC Regulation 18703 that broadens the ability for the Board to participate in a decision that might affect their financial interest, if the decision affects the public generally.

Recommendation

That the Board of Directors receive and file this report and be aware of the Regulation 18703 that governs the "public generally" exception.

Analysis

The Fair Political Practices Commission (FPPC) has promulgated a new rule on when a public official may participate in a decision that otherwise might have a "material financial interest effect" on the official's interest. An exception has always existed for when a decision will have the same effect on the "public generally." (FPPC Reg. 18703.)

The "public generally" exception has now been established as a two-pronged test. The first prong is to determine if a "significant segment" of the population will be affected by the governing body's decision. If a significant segment of the population will also be affected, the second prong of the test requires an analysis of whether the effect is unique compared on the official's interest to the rest of the population. The official will only be allowed to participate if the effect will not be unique.

The exception has been expanded so that you can participate if your only relevant interest is your primary residence and at least 15 percent of the residential property will have a similar effect, and there is no unique effect on your property.

The exception has also been clarified to allow you to vote on assessments, taxes and fees or rates for broadly provided services that are provided equally or proportionally. But you cannot vote on the (initial) imposition or to include or exclude territory from within the assessment area or taxing area. This raises the question of how would a Board ever impose a new tax or assessment since Board members are usually going to be residents and

property owners. If the Board was to consider a new tax or assessment, we would need to seek guidance from the FPPC.

Legal Review

District Counsel prepared this report.

Financial Review

Currently there are no financial impacts on the New FPPC Rule on the "Public Generally" Exception. However, it will cost the District for legal counsel advice if subjects arise in the future that are related to the new regulation. The amount is unknown at the moment.

Environmental Review

Subject activity is exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.). Section 15300.4 of CEQA allows an agency while establishing its own procedures "to list those specific activities which fall within each of the exempt classes", and the District has adopted "CEQA Guidelines and Implementing Procedures" that state on page 6 "'Projects" does not include C. Continuing administrative or maintenance activities."

Public Notice Process

Copies of this report are on file and will be included with the complete agenda packet for the November 23, 2020 Board of Directors Regular meeting at District Headquarters and posted on the District's website www.cmsdca.gov.

Alternative Actions

1. Refer the matter back to staff.

File Attachments

[Amend 2 Cal. Code Regs. Section 18703.pdf \(275 KB\)](#)

[20200904 FPPC Public Generally 18703.pdf \(319 KB\)](#)

I. LOCAL MEETINGS: In accordance with AB 1234 (Gov. Code 53232.3), a report is required to be given by a Director for any meeting for which expense reimbursement of any kind is provided. Note: For meetings for which the per diem compensation is sought, the Operations Code provides that such compensation is authorized for each day's service rendered as a Director at the request of the Board (not to exceed six days in one month), and certain meetings are specified as being eligible as set forth in District Operations Code § 3.01.030. For meetings not so listed, the Board must approve the service for it to be eligible for the per day compensation.

| | |
|----------------|---------------------------------------------------------------------------|
| Subject | 1. Orange County Sanitation District (OCSD) - (President Ferryman) |
| Meeting | Nov 23, 2020 - Board of Directors Regular Meeting |
| Access | Public |
| Type | Information |

I. LOCAL MEETINGS: In accordance with AB 1234 (Gov. Code 53232.3), a report is required to be given by a Director for any meeting for which expense reimbursement of any kind is provided. Note: For meetings for which the per diem compensation is sought, the Operations Code provides that such compensation is authorized for each day's service rendered as a Director at the request of the Board (not to exceed six days in one month), and certain meetings are specified as being eligible as set forth in District Operations Code § 3.01.030. For meetings not so listed, the Board must approve the service for it to be eligible for the per day compensation.

| | |
|----------------|-------------------------------------------------------------------------------|
| Subject | 2. Santa Ana River Flood Protection Agency (SARFPA) - (Director Perry) |
| Meeting | Nov 23, 2020 - Board of Directors Regular Meeting |
| Access | Public |
| Type | Information |

I. LOCAL MEETINGS: In accordance with AB 1234 (Gov. Code 53232.3), a report is required to be given by a Director for any meeting for which expense reimbursement of any kind is provided. Note: For meetings for which the per diem compensation is sought, the Operations Code provides that such compensation is authorized for each day's service rendered as a Director at the request of the Board (not to exceed six days in one month), and certain meetings are specified as being eligible as set forth in District Operations Code § 3.01.030. For meetings not so listed, the Board must approve the service for it to be eligible for the per day compensation.

Subject **3. Independent Special Districts of Orange County (ISDOC) - (Secretary Schafer)**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Information

I. LOCAL MEETINGS: In accordance with AB 1234 (Gov. Code 53232.3), a report is required to be given by a Director for any meeting for which expense reimbursement of any kind is provided. Note: For meetings for which the per diem compensation is sought, the Operations Code provides that such compensation is authorized for each day's service rendered as a Director at the request of the Board (not to exceed six days in one month), and certain meetings are specified as being eligible as set forth in District Operations Code § 3.01.030. For meetings not so listed, the Board must approve the service for it to be eligible for the per day compensation.

Subject **4. California Special Districts Association (CSDA) - (Secretary Schafer)**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Information

I. LOCAL MEETINGS: In accordance with AB 1234 (Gov. Code 53232.3), a report is required to be given by a Director for any meeting for which expense reimbursement of any kind is provided. Note: For meetings for which the per diem compensation is sought, the Operations Code provides that such compensation is authorized for each day's service rendered as a Director at the request of the Board (not to exceed six days in one month), and certain meetings are specified as being eligible as set forth in District Operations Code § 3.01.030. For meetings not so listed, the Board must approve the service for it to be eligible for the per day compensation.

Subject **5. Special District Risk Management Authority (SDRMA) - (Director Scheafer)**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Information

I. LOCAL MEETINGS: In accordance with AB 1234 (Gov. Code 53232.3), a report is required to be given by a Director for any meeting for which expense reimbursement of any kind is provided. Note: For meetings for which the per diem compensation is sought, the Operations Code provides that such compensation is authorized for each day's service rendered as a Director at the request of the Board (not to exceed six days in one month), and certain meetings are specified as being eligible as set forth in District Operations Code § 3.01.030. For meetings not so listed, the Board must approve the service for it to be eligible for the per day compensation.

Subject **6. Other Meetings Qualifying for Reimbursement under CMSD Ordinance No. 55, Operations Code Section 3.01.030**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type Information

L. ORAL COMMUNICATIONS AND DIRECTOR COMMENTS

| | |
|----------------|-----------------------------------------------------|
| Subject | 1. Oral Communications and Director Comments |
| Meeting | Nov 23, 2020 - Board of Directors Regular Meeting |
| Access | Public |
| Type | Discussion |

M. ADJOURN TO CLOSED SESSION

Subject **1. Conference with Legal Counsel – Existing Litigation Paragraph (1) of subdivision (d) Section 54956.9 California River Watch v. Costa Mesa Sanitary District, USDC No.: 8:20-cv-01702**

Meeting Nov 23, 2020 - Board of Directors Regular Meeting

Access Public

Type

N. RECONVENE TO OPEN SESSION

Subject

1. Report out of Closed Session

Meeting

Nov 23, 2020 - Board of Directors Regular Meeting

Access

Public

Type

O. CLOSING ITEMS

Subject

1. Adjourn

Meeting

Nov 23, 2020 - Board of Directors Regular Meeting

Access

Public

Type

Procedural

THE NEXT REGULAR MEETING OF COSTA MESA SANITARY DISTRICT BOARD OF DIRECTORS WILL BE HELD ON MONDAY, DECEMBER 21, 2020 AT 4:30 P.M. VIA TELECONFERENCE.