



AGENDA

Garden Grove Sanitary District
Board of Directors

Tuesday, November 10, 2020

6:30 PM

SPECIAL MEETING - Community
Meeting Center, 11300 Stanford Avenue,
Garden Grove, CA 92840

Patrick Phat Bui
President

John R. O'Neill
Vice President

George S. Brietigam
Member

Steven R. Jones
Member

**Stephanie
Klopfenstein**

Member

Kim B. Nguyen
Member

**Diedre Thu-Ha
Nguyen**
Member

COVID-19 Information: Masks are required to be worn and adherence to six foot distancing from others when attending public meetings.

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, to address the City Council, should contact the City Clerk's Office 72 hours prior to the meeting to arrange for accommodations. Phone: (714) 741-5040.

Agenda Item Descriptions: Are intended to give a brief, general description of the item. The City Council may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Documents/Writings: Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Council Members within 72 hours of a meeting, are made available for public inspection at the same time (1) in the City Clerk's Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; (2) on the City's website as an attachment to the City Council meeting agenda; and (3) at the Council Chamber at the time of the meeting.

Public Comments: Members of the public desiring to address the City Council are requested to complete a **pink speaker card** indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the City Clerk prior to the start of the meeting. General comments are made during "Oral Communications" and should be limited to matters under consideration and/or what the City Council has jurisdiction over. Persons wishing to address the City Council regarding a Public Hearing matter will be called to the podium at the time the matter is being considered.

Manner of Addressing the City Council: After being called by the Mayor, you may approach the podium, it is requested that you state your name for the record, and proceed to address the City Council. All remarks and questions should be addressed to the City Council as a whole and not to individual Council Members or staff members. Any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the City Council shall be called to order by the

Mayor. If such conduct continues, the Mayor may order the person barred from addressing the City Council any further during that meeting.

Time Limitation: When any group of persons wishes to address the City Council on the same subject matter, the Mayor may request a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition. At the City Council's discretion, a limit on the total amount of time for public comments during Oral Communications and/or a further limit on the time allotted to each speaker during Oral Communications may be set.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.

AGENDA

Open Session

6:30 PM

ROLL CALL: MEMBER BRIETIGAM, MEMBER JONES, MEMBER KLOPFENSTEIN, MEMBER K. NGUYEN, MEMBER D. NGUYEN, VICE PRESIDENT O'NEILL, PRESIDENT BUI

1. ORAL COMMUNICATIONS (to be held simultaneously with other legislative bodies)

2. CONSENT ITEMS

(Consent Items will be acted on simultaneously with one motion unless separate discussion and/or action is requested by a Sanitary District Member.)

2.a. Adoption of a Resolution approving the Second Amendment to the Public Financing Authority Joint Powers Agreement. *(Action Item)*

2.b. Receive and file minutes from the meeting held on September 22, 2020. *(Action Item)*

3. MATTERS FROM THE PRESIDENT, BOARD MEMBERS AND GENERAL MANAGER

4. ADJOURNMENT

The next Regular Sanitary District Meeting is Tuesday, November 24, 2020, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Omar Sandoval	
Dept.:	General Manager	Dept.:	General Counsel	
Subject:	Adoption of a Resolution approving the Second Amendment to the Public Financing Authority Joint Powers Agreement. (<i>Action Item</i>)		Date:	11/10/2020

OBJECTIVE

For the Board of Directors to adopt the attached resolution amending the Public Financing Authority joint powers agreement to clarify the membership of the Board and remove the Successor Agency as a member.

BACKGROUND

The Garden Grove Public Financing Authority was established June 22, 1993 between the City of Garden Grove and the Garden Grove Agency for Community Development (former RDA). In 2006, the joint powers agreement was amended to add the Garden Grove Sanitary District. Initially, the agreement stipulated that the number of board members is equal the number of elected City Council Members, which at the time were five. The members of the City Council serve as the Board of Directors of the Authority. With the increased number of City Council Members due to the transition to district elections in 2016, the number of Board members was recently recognized by the PFA to be seven.

DISCUSSION

The attached Resolution approves a second amendment to the joint powers agreement to clarify that the Board of Directors of the Garden Grove Public Financing Authority is equal to the members of the City Council. Furthermore, because the Successor Agency is in the process of dissolving the former RDA, the amendment removes the Successor Agency as a member of the joint powers agreement.

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the Board:

- Adopt the attached Resolution approving the Second Amendment to the Public Financing Authority joint powers agreement.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Resolution	11/3/2020	Resolution	11-10-20_Sanitary_District_Resolution_Garden_Grove_PFA_Amendment_4852-8627-1184_1_Rev.pdf
Attachment A - Second Amendment	11/3/2020	Agreement	Amendment_No._2_to_JPA_Agreement_Garden_Grove_Public_Financing_Authority_4843-4281-4416_1_Rev.docx

GARDEN GROVE SANITARY DISTRICT

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GARDEN GROVE
SANITARY DISTRICT APPROVING THE EXECUTION AND DELIVERY OF AN
AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT OF THE GARDEN
GROVE PUBLIC FINANCING AUTHORITY

WHEREAS, the Garden Grove Sanitary District (the "**District**"), a special district that is duly organized and existing under laws of the State of California (the "**State**"), is a member of the Garden Grove Public Financing Authority (the "**Authority**"), a joint exercise of powers authority that is duly organized and established under a Joint Exercise of Powers Agreement, dated June 22, 1993, by and between the City of Garden Grove (the "**City**") and the Successor Agency to the Garden Grove Agency for Community Development (the "**Agency**"), as amended by Amendment No. 1 to Joint Exercise of Powers Agreement, dated March 28, 2006, by and among the City, the District and the Agency (collectively, the "**JPA Agreement**"); and

WHEREAS, the City, the Agency and the District desire to amend the JPA Agreement: (i) to clarify an ambiguity with respect to the membership of the Board of Directors of the Authority; (ii) to remove the Agency as a member of the Authority; and (iii) to make certain additional and conforming edits;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GARDEN GROVE SANITARY DISTRICT, as follows:

Section 1. Amendment No. 2 to the JPA Agreement in the form attached hereto as Exhibit A is hereby approved. The Chair, the Vice Chair, the City Manager of the City the Assistant City Manager of the City and the Director of Finance of the City (each, an "**Authorized Officer**") or the designee thereof is hereby authorized and directed to execute and deliver Amendment No. 2 to the JPA Agreement with such changes, insertions and omissions as may be recommended by the District's General Counsel or the law firm of Stradling Yocca Carlson & Rauth, a Professional Corporation ("**Bond Counsel**"), and approved by the officer executing the same, said execution being conclusive evidence of such approval.

Section 2. The Authorized Officers or any other proper officer of the District, acting singly, be and each of them hereby is authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by Amendment No. 2 to the JPA Agreement and this Resolution. In the event that the Chair of the Board of Directors is unavailable to sign any of the agreements described herein, any other member of the Board of Directors may sign such agreement.

Section 3. Unless otherwise defined herein, all terms used herein and not otherwise defined shall have the meanings given such terms in the JPA Agreement unless the context otherwise clearly requires.

Section 4. This Resolution shall take effect from and after its date of adoption.

EXHIBIT A

**AMENDMENT NO. 2 TO JOINT EXERCISE OF POWERS AGREEMENT
GARDEN GROVE PUBLIC FINANCING AUTHORITY**

among

CITY OF GARDEN GROVE

and

**SUCCESSOR AGENCY TO GARDEN GROVE AGENCY FOR COMMUNITY
DEVELOPMENT**

and

GARDEN GROVE SANITARY DISTRICT

Dated as of November 1, 2020

**AMENDMENT NO. 2 TO JOINT EXERCISE OF POWERS AGREEMENT
GARDEN GROVE PUBLIC FINANCING AUTHORITY**

This AMENDMENT NO. 2 TO JOINT EXERCISE OF POWERS AGREEMENT, dated as of November 1, 2020 (this “**Amendment**”), is entered into by and among the CITY OF GARDEN GROVE, a municipal corporation that is duly organized and existing under and by virtue of the laws and the Constitution of the State of California (the “**City**”), the SUCCESSOR AGENCY TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT, a public body, corporate and politic and successor-in-interest to the Garden Grove Agency for Community Development (the “**Agency**”), and the GARDEN GROVE SANITARY DISTRICT, a special district that is duly organized and existing under the laws of the State of California (the “**District**”).

RECITALS

A. The Garden Grove Public Financing Authority (the “**Authority**”) is a public entity that is duly organized and existing under a Joint Exercise of Powers Agreement, dated June 22, 1993, by and between the City and the Agency, as amended by Amendment No. 1 to Joint Exercise of Powers Agreement, dated March 28, 2006, by and among the City, the Agency and the District (collectively, the “**JPA Agreement**”).

B. Section 8.05 of the JPA Agreement provides that the JPA Agreement may be amended for any purpose by supplemental agreement executed by the parties to the JPA Agreement.

C. The City, the Agency and the District desire to amend the JPA Agreement: (i) to clarify an ambiguity with respect to the membership of the Board of Directors of the Authority; (ii) to remove the Agency as a member of the Authority; and (iii) to make certain additional and conforming edits.

AGREEMENT

SECTION 1. This Amendment hereby incorporates by reference all terms and conditions of the JPA Agreement unless specifically modified by this Amendment. All terms and conditions of the JPA Agreement which are not specifically modified by this Amendment shall remain in full force and effect.

SECTION 2. Capitalized terms that are used in this Amendment and not otherwise defined have the meanings that are set forth in the JPA Agreement.

SECTION 3. The definition of “Directors” in Section 1.01 of the JPA Agreement is hereby amended to read as follows:

“Directors” means the members of the Board of Directors of the Authority.

SECTION 4. The first sentence of Section 2.03 of the JPA Agreement is hereby deleted in full.

SECTION 5. The definition of “Members” in Section 1.01 of the JPA Agreement, as amended by Section 2 of Amendment No. 1 thereto, is hereby further amended and restated to read as follows:

“Members” means the City and the Garden Grove Sanitary District (the “District”), a subsidiary district of the City of Garden Grove.

SECTION 6. Section 8.01 of the JPA Agreement is hereby amended and restated as follows:

“Notices hereunder shall be in writing and shall be sufficient if delivered to:

City of Garden Grove
11222 Acacia Parkway
Garden Grove, California 92840
Attention: City Manager

Garden Grove Sanitary District
11222 Acacia Parkway
Garden Grove, California 92840
Attention: General Manager.”

SECTION 7. The following Section 8.09 is hereby added to the JPA Agreement:

Section 8.09. **Conflict of Interest Code.** The Authority hereby adopts the conflict of interest code of the City, as it may be amended from time to time, as the conflict of interest code of the Authority.

SECTION 8. THIS AMENDMENT SHALL BE CONSTRUED AND GOVERNED IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA.

SECTION 9. This Amendment shall become effective as of the date set forth in the first paragraph hereof, or as soon thereafter as it is fully executed.

SECTION 10. This Amendment may be executed in several counterparts, each of which shall be deemed as an original, all of which shall constitute but one of the same instrument.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment by their officers thereunto duly authorized as of the day and year first written above.

CITY OF GARDEN GROVE

By: _____
Mayor

ATTEST:

City Clerk

SUCCESSOR AGENCY TO GARDEN GROVE
AGENCY FOR COMMUNITY DEVELOPMENT

By: _____
Chair

ATTEST:

Secretary

GARDEN GROVE SANITARY DISTRICT

By: _____
President

ATTEST:

Secretary

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: Teresa Pomeroy
Dept.: General Manager Dept.: Secretary
Subject: Receive and file minutes Date: 11/10/2020
 from the meeting held on
 September 22, 2020.
 (*Action Item*)

Attached are the minutes from the meeting held on September 22, 2020, recommended to be received and filed as submitted or amended.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Minutes	11/3/2020	Minutes	sd-min_09_22_2020.pdf

MINUTES

GARDEN GROVE SANITARY DISTRICT BOARD OF DIRECTORS

Regular Meeting

Tuesday, September 22, 2020

Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

CONVENE MEETING

At 6:36 p.m., President Bui convened the meeting telephonically.

ROLL CALL PRESENT: (7) Members Brietigam, D. Nguyen, Jones,
Klopfenstein, K. Nguyen, Vice President
O’Neill, President Bui

ABSENT: (0) None

ORAL COMMUNICATIONS

Speakers: Craig Durfey, Allison Vo, Nicholas Dibs.

Written Communications: Teame Ozeqbe, Ashley Owen, Wei Huang, Alan Song, Victoria Williams, Giovanni Cordova Aviles, Estrella Vazquez, Mariela Vasquez, Ashley Dao, Maleeha Saeed, Ann A., Connie Tran, Joshua Galiley, Craig Durfey, Tony Flores, Candace Hsu, Sue Zhao.

APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH HF&H CONSULTANTS, LLC FOR TECHNICAL AND LEGISLATIVE COMPLIANCE ASSISTANCE SERVICES (F: S-55.HF&H Consultants, LLC)

It was moved by Member Jones, seconded by Member O’Neill that:

A contract be awarded to HF&H Consultants, LLC for a period of five years, not to exceed \$100,000, for the initial one year term with annual adjustments of 2.5 percent in the four additional option term years; and

The General Manager be authorized to execute the agreement on behalf of the Sanitary District and make minor modifications as appropriate thereto.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, D. Nguyen, Jones, Klopfenstein,
K. Nguyen, Bui
Noes: (0) None

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON AUGUST 25, 2020
(F: Vault)

It was moved by Member Jones, seconded by Member O'Neill that:

The minutes from the meeting held on August 25, 2020, be received and filed.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, D. Nguyen, Jones, Klopfenstein,
K. Nguyen, Bui
Noes: (0) None

MATTERS FROM THE PRESIDENT, BOARD MEMBERS AND GENERAL MANAGER

Member Brietigam noted he has received complaints from residents that their bulky items are not being picked up, and he asked that staff follow up with Republic Services.

President Bui asked staff to provide an update after following up with Republic Services.

General Manager Stiles stated he would contact Republic Services, and inform the Board of the status on resuming bulky item pickup.

ADJOURNMENT

At 6:53 p.m., President Bui adjourned the meeting. The next meeting is scheduled for Tuesday, October 27, 2020, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
Secretary