

**MINUTES OF THE REGULAR MEETING OF THE
GOVERNING BOARD OF THE MIDWAY CITY
SANITARY DISTRICT OF ORANGE COUNTY
14451 CEDARWOOD AVENUE
WESTMINSTER, CA 92683**

January 17, 2012

CALL TO ORDER

President Rice called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, January 17, 2012 at 4:00 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner
Joy L. Neugebauer
Frank Cobo
Margie L. Rice
Tyler Diep

OTHERS AT MEETING:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
Tom Nixon, District Counsel
Danielle Gerardo, Board Secretary

PLEDGE AND INVOCATION

Director Krippner led the Pledge of Allegiance. Director Neugebauer gave the Invocation.

APPROVAL OF THE MINUTES OF THE MEETING OF JANUARY 3, 2012

A motion was made by Director Neugebauer, seconded by Director Diep to approve the minutes of the meeting of January 3, 2012, with a change. The motion was approved by a 4-0-1 vote, with Director Diep abstaining.

PUBLIC COMMENTS

None

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 289,906.41

#	CK #	CK AMOUNT	VENDOR
1			
2	5078	60.12	Advanced Gas Products - Cylinder Rental Fee December 2011
3	5079	57.00	Advanced Workplace Strategies, Inc. - Post Accident DOT Test
4	5080	603.40	Bodyworks Equipment, Inc. - Grip Gears for Restock & T51 (2)
5	5081	85,337.25	CalPERS Fiscal Services Division - Payment towards annual required contribution for GASB 45 OPEB liability
6	5082	727.00	CRC - Maintenance & Support for February 2012
7	5083	22,050.88	CR Transfer, Inc. - Tonnage for December 2011
8	5084	375.00	Frog Environmental - 2011-2012 Storm Water Services, 3rd Quarter
9	5085	297.78	G & K Services - Uniform Services for January 2012
10	5086	3,500.00	James F. McConnell, Attorney-At-Law - Lobbying Service Fees for December 2011
11	5087	2,357.84	Los Alamitos Auto Parts - Air Dryer for T60; (6)gallons Dexcool & (1) Fuse Inline for M63; (4) Hose-end Fittings &
12			(16)feet Hydro Hose for T61; (6) Brake Drums and (4) Kits for Restock & T59; (2) Site Lights for G2; (3) Wide
13			Angle Mirrors for Restock.
14	5088	642.74	Los Angeles Freightliner - Water Pump & Core for M63; Throttle Pedal & Mega Fuse for M64
15	5089	35.00	Memorial Prompt Care Med. Grp, Inc. - Breath Alcohol Test
16	5090	1,840.15	Orange County Sanitation District - Permit Fees for December 2011 (MCSD 5%= \$96.85)
17	5091	1,332.67	PTO Sales Corporation - P.T.O. Pump for T52
18	5092	91,234.15	Rainbow Transfer Recycling, Inc. - Tonnage for December 2011
19	5093	500.00	Ron Ruano - Remaining Balance for TET Parade 2012
20	5094	1,259.08	Tec of California, Inc. - A/C Compressor & Wiring with (5) Seals, (2) Tube Coolants, (1) Receiver, (2) A/C
21			Valves for T60. A/C Compressor, Wiring & Receiver for T59; (2) Pressure Switches & (1) A/C Compressor
22			for T57 & T59; (1) A/C Valve for Restock.
23	5095	860.37	Tech Air Mobile Services - Service Call, Parts & Labor for Air Conditioning for T59
24	5096	18.00	Underground Service Alert - (12) New Ticket Charges for December 2011
25			
26		213,088.43	SUBTOTAL
27			
28			ADD HANDCUT CHECKS:
29			
30	5068	533.73	AT&T Mobility -(KR)714 310-2313,(NC)714-310-8653,(DGr)714-325-3606,Sewer714-310-8654,Emergency714-310-9004
31	5069	349.71	City of Westminster - District Water, Maintenance Shop, & Wash Rack Fees for December 2011
32	5070	4,566.76	US Bank - (NC) \$1,504.43- P.T.O. Pump for T51, Restock Kitchen & Restroom Items; (KR) \$2642.25 -
33			CASA Conference 01/18-20 2012 (MR, AK, FC, JN, KR), Internet Services for GM, Wiacom December 2011 Service;
34			(RH) \$219.00- CMTA Member Renewal 2012, Remington Pure for December 2011;
35			(Dge) \$196.86 - Board Refreshments, Cards for 2011 Holiday Party; (DGr) \$4.22 - Sewer Maintenance Supplies.

36	5071	833.22	Verizon CA - District Office Phones & Lift Stations for December 2011; (714) 897-5368 Dst. Office/ 903-1863 Willow/
37			903-6154 Westminster/ 903-6274 Hammon
38	5072	200.00	Cobo, Frank - CASA Conference Palm Desert, Jan. 18-20, 2012 Per Diem
39	5073	200.00	Neugebauer, Joy - CASA Conference Palm Desert, Jan. 18-20, 2012 Per Diem
40	5074	200.00	Rice, Margie - CASA Conference Palm Desert, Jan. 18-20, 2012 Per Diem
41	5075	86.99	Direct TV - Services for January 2012
42	5076	283.39	Pitney Bowes - Lease Charge for January 2012 through April 2012
43	5077	9,036.00	Zenith Insurance Company - Worker's Compensation Progressive Monthly Payment
44			
45		229,378.23	SUBTOTAL PLUS HANDCUTS
46			
47			Payroll
48		58,937.23	Payroll Date 12/27/11 Staff Chk # 15203-15208 Taxes & Direct Deposits
49		1,590.95	Payroll Date 12/27/11 Nationwide Deferred Compensation
50		289,906.41	TOTAL EXPENDITURES W/PAYROLL

A motion was made by Director Neugebauer, seconded by Director Cobo to approve the expenditures, as presented, in the amount of \$ 289,906.41. The motion was approved by a 4-0-1 vote, with Director Krippner abstaining.

REPORTS

Report of President

President Rice reported that she was made aware of a letter that was sent to a Board member regarding the death of Betty Dietz. President Rice stated that she spoke to District management and a letter of condolences was written on behalf of the entire Board to the family of the deceased.

Report of General Manager

GM Robbins reported that MCSD work is done on the sinkhole on Rochelle Street and that there is a possible second sinkhole off of Trask and Hoover. The City of Westminster is currently investigating.

GM Robbins reminded the Board that the TET parade is next Saturday, January 28, 2012 and the mariachi band has been hired for the event.

GM Robbins stated that there will be no weekly newsletter this week, due to being at the conference in Desert Springs with the Board. Next week's newsletter will be for two weeks.

GM Robbins reported that the final draft response to the Grand Jury's request for information is ready for the Board's final review. Finance Director Housley asked if

anyone had any last minute comments or questions as he would be delivering it personally tomorrow. Some discussion ensued and the Board expressed their gratitude for the extra work that FD Housley put into the report.

Report from Orange County Sanitation District Meeting (OCSD)

Director Neugebauer reported that the OCSD Operations committee did not meet in January, but at the December 21, 2011 meeting there was a lot of discussion regarding giving their manager the authority to act on bids. As it were, the engineers estimated the cost of the Outfall Land Section and the Ocean Outfall Booster Pump at \$6.2 million, but the bid came in at \$4.6 million, and the manager was able to act on it.

Report from Orange County Waste Management

President Rice and GM Robbins attended the Orange County Waste Management meeting and helped to elect Cheryl Brothers as the new chair. There were several changes in the by-laws, including taking away the appointment to the Board, which the Oversight committee will now do.

GM Robbins reported that there is a new bill coming out. AB818 is for residential units of five or more and will enforce mandatory recycling. An area for a recycle bin will need to be made available effective July 1, 2012 on new construction projects.

CONSENT CALENDAR

- A. Investment Report for December 2011
- B. Consider Attendance to California Association of Sanitation Agencies (CASA) Spring Conference in Napa on April 25-27, 2012

A motion was made by Director Diep, seconded by Director Cobo to approve the consent calendar, as presented. The motion was approved by a 5-0 vote.

OLD BUSINESS

None

NEW BUSINESS

- A. Consider Request for Proposal (RFP) to Solicit Bids for Independent Audit Services

A motion was made by Director Neugebauer, seconded by Director Krippner to solicit bids for RFP, as recommended. The motion was approved by a 5-0 vote.

B. Consider Agreement between Midway City Sanitary District and Shields Consulting Group Inc., for Mandated Cost Claiming Services

A motion was made by Director Neugebauer, seconded by Director Diep to approve a one year agreement with Shields Consulting Group Inc. to provide mandated cost-claiming services. The motion was approved by a 5-0 vote.

C. Consider Purchasing Recycling Promotional Item for Safety Day Event

GM Robbins provided the Board with some ideas for promotional items.

Director Neugebauer presented the idea of pencil sharpeners and pencils to the Board.

President Rice stated that she liked the idea of the coloring books and crayons.

A motion was made by Director Krippner, seconded by Director Diep to order 500 of each of the two less expensive coloring books, and crayons to go with them. The motion was approved by a 5-0 vote.

D. Discuss Dates and Locations For 2012 Employee Holiday Party

A motion was made by Director Diep, seconded by Director Cobo to make arrangements to have the 2012 holiday dinner party at the Rose Center. The motion was approved by a 5-0 vote.

E. Consider and Confirm Attendance to the Municipal Water District of Orange County (MWDOC), Water Policy Forum on Thursday, February 2, 2012

A motion was made by President Rice, seconded by Director Neugebauer to approve attendance for Director Krippner as the District's representative at the MWDOC Water Policy Forum. The motion was approved by a 5-0 vote.

CLOSED SESSION

President Rice convened the meeting to closed session at 4:44 P.M. pursuant to Government Code Sections 54957.6. It was announced that the closed session was to discuss significant exposure to litigation by the heirs of Betty Dietz.

CLOSED SESSION: During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chair may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government Code Sections 54956.8, 54956.9, 54957 or 54957.6, as noted.

Reports relating to (a) purchase and sale of property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time as the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(b) (One potential case)

The Board returned to open session at approximately 5:14 P.M.

Legal Counsel Nixon stated that there was no reportable action as a result of the closed session.

Director Krippner left the meeting to go purchase a sympathy card for the Board to send to the family of Betty Dietz.

BOARD CONCERNS/COMMENTS

Director Neugebauer stated that on the year-end synopsis GM Robbins provided to the Board, it should be residences not residents.

GM/STAFF CONCERNS/COMMENTS

None

GENERAL COUNSEL CONCERNS/COMMENTS

None

INFORMATIONAL ITEMS

There was no discussion regarding the informational items provided to the Board.

ADJOURNMENT

President Rice adjourned the meeting at approximately 5:16 P.M.

Joy Neugebauer, Secretary