

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

July 16, 2013

CALL TO ORDER

President Cobo called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, July 16, 2013 at 4:00 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner
Joy L. Neugebauer
Frank Cobo
Margie L. Rice
Tyler Diep (arrived @ 4:05 P.M.)

OTHERS AT MEETING:

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

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE BUDGET MEETING OF JULY 2, 2013

A motion was made by Director Rice, seconded by Director Neugebauer to approve the minutes of the meeting of July 2, 2013, with changes.

A substitute motion was made by Director Rice, seconded by Director Neugebauer to continue the minutes of the meeting of July 2, 2013. The motion was approved by a 5-0 vote.

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 247,043.84

| # | CK # | Date | AMOUNT | VENDOR |
|----|------|------|-------------------|--|
| 1 | 6181 | 7/15 | 60.47 | Advanced Gas Products - (1) Drive Roll Kit for Restock |
| 2 | 6182 | 7/15 | 471.96 | Bodyworks Equipment - (4) Filter Elements for Restock |
| 3 | 6183 | 7/15 | 437.50 | Country City Towing - Tow for T60 for Repairs |
| 4 | 6184 | 7/15 | 13,590.47 | County of Orange - Allocation of FY 2013-2014 LAFCO Costs |
| 5 | 6185 | 7/15 | 884.41 | Daniel's Tire Service - (5) Recaps for Restock |
| 6 | 6186 | 7/15 | 453.95 | Dartco - (8) High Capacity Filter Kits for Restock |
| 7 | 6187 | 7/15 | 283.46 | G & K - Uniform Services for June & July 2013 |
| 8 | 6188 | 7/15 | 77.50 | Los Alamitos Auto Parts - (24) Containers of Brakleen for Restock |
| 9 | 6189 | 7/15 | 243.75 | North American Safety - (25) Vests for Restock |
| 10 | 6190 | 7/15 | 8,541.45 | Orange County Sanitation District - Permit Fees for June 2013 (MCSD 5% = \$449.55) |
| 11 | 6191 | 7/15 | 127,388.38 | Rainbow Environmental Services - (12) Cubic Yard Bins for Fireworks Stands; Tonnage for June 2013 |
| 12 | 6192 | 7/15 | 1,728.00 | Ray Gaskin Services - (2) New Heil In-&-Out Cylinders for Restock |
| 13 | 6193 | 7/15 | 562.79 | TEC of California - (1) Air Throttle Control for T52; (13) Filters for Restock |
| 14 | 6194 | 7/15 | 15.00 | Underground Service Alert - (10) New Tickets for June 2013 |
| 15 | | | | |
| 16 | | | 154,739.09 | SUBTOTAL |
| 17 | | | | |
| 18 | | | | ADD HANDCUT CHECKS: |
| 19 | 6172 | 7/9 | 10,730.00 | CalPERS Fiscal Services Division - Lump Sum Payment to Prepay 2013-2014 Employer Contribution Rate |
| 20 | 6173 | 7/15 | 327.59 | AT&T Mobility - Service for June 2013: (KR) 714-310-2313, (NC) 714-310-8653, (DGr) 714-325-3606, |
| 21 | | | | Sewer 714-310-8654, Emergency 714-310-9004. |
| 22 | 6174 | 7/15 | 12,482.65 | CalPERS Retirement - Retirement Contributions for June 2013 |
| 23 | 6175 | 7/15 | 40.00 | City of Westminster - Hydrant Meter Usage for June 2013 |
| 24 | 6176 | 7/15 | 94.99 | DirecTV - Service for July 2013 |
| 25 | 6177 | 7/15 | 24.40 | Office Max - Stamp for District 75th Anniversary |
| 26 | 6178 | 7/15 | 284.05 | Pitney Bowes - Lease Payment for Postage Machine July through October 2013 |
| 27 | 6179 | 7/15 | 4,794.51 | US Bank-(\$3,608.21 KR) 2013 Waste Expo New Orleans 5/19-05/22/13-Luggage, Parking, Hotel(FC,JN, |
| 28 | | | | MR,KR,NC);ISDOC Qtrly Mtg & Luncheon(FC,TD,AK,JN,KR,RH);New Computer Monitors for District; |
| 29 | | | | Cardstock for Concerts in the Park;Installation & Awards Registration(FC,TD,AK,JN,KR);Certified Mail |
| 30 | | | | Package for Insurance Cancellations. (\$130.07 NC) Refuse & District Office Supplies for Restock. |
| 31 | | | | (\$314.39 DG) Board Meeting Refreshments for 5/28, 6/04, 6/13, & 6/18;Cassette Tapes for Restock. |
| 32 | | | | (\$333.09 RH) Subscription to OC Register;District,Maint Shop,Wash Rack Water for 3/20-05/14/2013; |
| 33 | | | | Remington Monthly Service. (\$445.75 DGr) Sewer Supplies for Restock. |
| 34 | 6180 | 7/15 | 978.87 | Verizon California - District Office Phones & Lift Stations for June 2013; \$530.31 District Office, |
| 35 | | | | \$149.52 Willow Lift, \$149.52 Westminster Lift, \$149.52 Hammon Lift. |
| 36 | | | | |
| 37 | | | 184,496.15 | SUBTOTAL PLUS HANDCUTS |
| 38 | | | | |

| | | | | |
|----|-----|------------|---|---------|
| 39 | | | | PAYROLL |
| 40 | 7/9 | 62,547.69 | Payroll - Staff Check # 15513 - 15517 Taxes & Direct Deposits | |
| 41 | | 247,043.84 | TOTAL EXPENDITURES W/PAYROLL | |

Director Neugebauer asked if there were any changes made to the expenditures since she had come in to review them.

Finance/HR Director Housley stated that the only change was the addition of the check numbers which he added, but that the amounts were the same.

A motion was made by Director Rice, seconded by Director Neugebauer to approve the expenditures in the amount of \$247,043.84. The motion was approved by a 5-0 vote.

REPORTS

Report of President

President Cobo stated that he received mail from California State University Fullerton and Orange County Business Council that he passed around and shared with the rest of the Board.

President Cobo reported on the Health Fair that he and Director Rice attended over the weekend which was sponsored by Senator Lou Corea. He and Director Rice promoted the 75 year anniversary of the District at that event and did an interview that will be televised. They both agreed that it was very well attended.

Report of General Manager

GM Robbins reported that the District will begin to do the mandatory Department of Transportation (DOT) drug testing for commercial drivers' licenses at the District, in order to save time. At present, the Districts drivers are sent to a lab, which does not open until 8 A.M., and then tested, which totals approximately two hours of down time.

GM Robbins stated that staff is looking to the future with the CCTV specifications bid documents and specifications on Compressed Natural Gas (CNG) solid waste trucks, and a design and build Request for Proposal (RFP) for a CNG fueling station. After next weeks' study session, staff will be able to put together final specifications for the RFP to present to the Board. GM Robbins stated that he feels that, in the best interest of the District, the firms that will be bidding on the design/build, should come to the District and give a presentation and pre-proposal bids to the Board and answer any questions that the Board may have at that time.

GM Robbins reminded the Board that they have a policy manual workshop on Wednesday, July 17, 2013 at 11 A.M. followed by a luncheon at 12 noon for recently retired District employee, Rafael Gonzalez. He also reminded the Board of Safety Day

on Thursday, July 25, 2013 from 11:30-1:30 and the State of the City luncheon on Tuesday, July 30, 2013 at 11:30 A.M.

Report from Orange County Sanitation District Meeting (OCSD)

Director Diep reported that he attended an Administration meeting on Wednesday, July 10, 2013 at which the payment of bills and contracts were discussed.

Report from the Calendar Committee

GM Robbins reported that he along with Director Rice and President Cobo, as the calendar committee, made a few changes to the calendar that they feel the Board will like. The Districts 75 Year Open House was added as well as a page dedicated to information regarding the Eco Challenge exhibit at the Discovery Science Center since it pertains to recycling.

Report from California Association of Sanitation Agencies (CASA) Conference Call

Director Rice reported that during her conference call, one consultant's salary was negotiated from \$250,000 a year down to \$150,000. There was quite a bit of discussion regarding employee benefits which total \$1,172,315, which she feels is too high for such a small group with a total of only four employees.

Director Rice stated that she is not happy with the direction that CASA is going financially, and would not mind if the Board decided to withdraw the District from the group after some evaluation.

Director Neugebauer suggested that the Board wait and see if the annual dues increase.

Report from First Concert in the Park

Director Rice reported that the band at the first District sponsored Concert in the Park was great.

Director Neugebauer reported that the attendance was down from last year, and she stated that she feels that GM Robbins should not be obligated to attend all of the Concerts in the Park.

Director Rice stated that she goes to all of the Concerts in the Park anyway and could represent the District. She stated that she didn't feel that the Board had made it mandatory for GM Robbins to attend but that he did it on his own accord.

President Cobo and Director Diep also attended the event.

CONSENT CALENDAR

A. Approval of the Request of Fleet Maintenance Department Employee Mike LaFreniere to Receive 40 Hours of Vacation Pay in Lieu of Time Off

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

OLD BUSINESS

None

NEW BUSINESS

A. Consider Changing the Date of the Tuesday, September 17, 2013 Regularly Scheduled Board Meeting in Order to Accommodate Board Travel to the Annual California Special Districts Association (CSDA) Conference in Monterey, CA

A motion was made by Director Neugebauer, seconded by Director Diep to change the date of the Tuesday, September 17, 2013 regularly scheduled Board meeting to Tuesday, September 24, 2013, in order to accommodate Board travel to the California Special Districts Association (CSDA) conference in Monterey, CA. The motion was approved by a 5-0 vote.

INFORMATIONAL ITEMS

A. Web Site Activity for the Month of July 2013 (37,890 Successful Hits)

A motion was made by Director Neugebauer, seconded by Director Diep to receive and file the informational item, with a correction of the month of June. The motion was approved by a 5-0 vote.

BOARD CONCERNS/COMMENTS

President Cobo and Director Rice welcomed Finance/HR Director Housley back from vacation.

Director Neugebauer stated that she felt that she owed an apology to GM Robbins that none of the Board members introduced him at the Concerts in the Park.

GM/STAFF CONCERNS/COMMENTS

None

GENERAL COUNSEL CONCERNS/COMMENTS

None

President Cobo called for a five minute recess at 4:42 P.M.

President Cobo convened the meeting to closed session at 4:51 P.M.

CLOSED SESSION

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 LABOR NEGOTIATORS (Government Code Section 54957.6) Agency Designated Representatives: General Manager Robbins, Finance Director Housley and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

B. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(d)(1).)
Name of Case: Irvin v. Midway City Sanitary District et al.

President Cobo reconvened the meeting to open session at 5:24 P.M.

Legal Counsel stated that there was no reportable action taken due to the closed session.

ADJOURNMENT

President Cobo adjourned the meeting to Wednesday, July 17, 2013 at 11 A.M. at the District office at approximately 5:25 P.M.

Margie L. Rice, Secretary