

**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**

October 2, 2018

CALL TO ORDER

President Nguyen called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, October 2, 2018 at 5:00 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner
Margie L. Rice
Tyler Diep
Frank A. Cobo
Chi Charlie Nguyen

OTHERS AT MEETING:

Robert Housley, Acting GM, Finance/HR Director
James Eggart, General Counsel
Julia Book, Board Secretary

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

Mark Monin, currently 2nd Vice President at Independent Special Districts of Orange County (ISDOC), is a candidate for 1st Vice President for the ISDOC Executive Committee. He introduced himself to the Board, explained his background and asked for the Board's support.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPT, 18, 2018

A motion was made by Director Rice, seconded by Director Diep, to approve the minutes of the regular meeting of Sept. 18, 2018. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Nguyen and Rice

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 136,012.25

#	CK #	Date	AMOUNT	VENDOR
1				HANDCUT CHECKS:
2	10124	9/18	\$77.65	Cintas - Uniform Services for August 2018
3	10125	9/18	\$67.27	The Gas Company - District Office, Maintenance Shop, & Wash Rack Usage Fees for Sept 2018
4	10133	9/24	\$26.00	Michael LaFreniere - Reimbursement for Airport Parking 09/18-09/20/2018
5			\$170.92	HANDCUT CHECKS SUBTOTAL
6				
7				REGULAR CHECKS:
8	10126	9/19	\$62.00	Advanced Gas Products - Cylinder Rentals for August 2018
9	10127	9/19	\$35.00	Asbury Environmental Services - (400) Gallons Used/Mixed Oil Pick-up
10	10128	9/19	\$46,818.00	City of Westminster - Manhole Adjustments for FY 2016-2017 & FY 2017-2018
11	10129	9/19	\$863.17	Franklin Truck Parts - (1) Hub Assembly, (3) Oil Seal Gasket Kits, (10) Cap Nuts for NG10;
12				Restock (20) Studs, (10) Nuts, (1) Hub Assembly.
13	10130	9/19	\$3,507.96	NVB Equipment - A/C Service & Repairs for NG7 and NG8
14	10131	9/19	\$290.18	Plumbers Depot - (1) Debris Catcher & Scoop for NG12
15	10132	9/19	\$15,000.00	White Nelson Diehl Evans - First Interim Billing of Audit for Fiscal Year Ending June 30, 2018
16			\$66,576.31	REGULAR CHECKS SUBTOTAL
17				
18				PAYROLL
19		9/25	\$66,305.02	Payroll - Staff Checks Taxes & Direct Deposits
20		9/25	\$600.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
21		9/25	\$2,360.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
22			\$69,265.02	PAYROLL SUBTOTAL
23				
30			\$136,012.25	TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL, ACH TRANSFERS)
31				

A motion was made by Director Cobo, seconded by Director Rice, to approve the expenditures in the amount of \$136,012.25. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner Nguyen and Rice

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

President Nguyen informed the Board that he received a letter from Mission Del Amo Mobile Home Park located at 9702 Bolsa, Westminster, CA. The letter refers to rent increases and was also sent to 1st District Elected Officers –Orange County Supervisor Andrew Do, Westminster Mayor Tri Ta, Westminster Vice-Mayor Tyler Diep, Westminster Councilwoman Kimberly Ho.

General Counsel James Eggart stated that rent regulation on private property was not within the District's jurisdiction and that the District is constrained in its ability to take any formal action regarding the issue raised in the letter.

Report of Acting General Manager/Finance/HR Director

Finance/HR Director Housley assured the Board that a letter congratulating Mayor Tri Ta for his appointment to the Orange County Water District Board of Director's, was sent as directed by the Board.

Finance/HR Director Housley reported that Director of Operations Nick Castro met with the tenant of 5361 Princeton who was having an issue with their cart placement. He agreed that this resident needs to be treated as a Special Services customer due to their unique circumstances.

Robert Housley, Finance/HR Director reported that GM Ken Robbins was enjoying his vacation.

Finance/HR Director Housley reported that Director of Operations Nick Castro and Shop Mechanic Mike LaFreniere went to Tennessee to check on the District's newest solid waste trucks and reported that everything is on schedule for the trucks to be delivered within the next few months.

Finance/HR Director Housley stated that on October 15, 2018 the green cart delivery will begin. CR&R came in to discuss the process with Director of Operations/Safety Nick Castro.

Discussion continued regarding the green cart delivery and customer education.

Finance/HR Director Housley reported that solid waste driver, Dennis Solano Senior, is out on medical leave and that an Edible Arrangement was sent from the Board and Staff.

Report from the Orange County Sanitation District (OCSD) Meeting on Sept.12 and Sept. 26, 2018

Director Krippner provided the Board with the minutes of the September 12, 2018 meeting.

President Nguyen reported that he attended the meeting on September 26, 2018 and that there were two items discussed during a closed session.

Report from the County of Orange Midway City Community Clean Up Event on September 22, 2018

President Nguyen reported that he attended the County of Orange Midway City Community Clean Up Event and was impressed with how many volunteers were assisting.

Report from the California Special Districts Association (CSDA) Conference in Indian Wells, September 24-27, 2018

Director Krippner reported that he was happy that he was able to get his ethics training completed in one day.

Director Rice reported that she enjoyed several of the speakers.

Director Cobo reported that the emergency aftermath class and the ethics training classes were very interesting.

General Counsel James Eggart and the Board discussed the Brown Act.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

A. Consider and Approve this Amendment No. 5 to Professional Services Agreement ("Agreement No. 4) between the Midway City Sanitary District and White Nelson Diehl Evans LLP, for Independent Audit Services, for the Fiscal Year 2018-2019, Fiscal Year 2019-2020, and Fiscal Year 2020-2021 Audits, With an Option to Renew for Two Additional Years

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director Diep, seconded by Director Krippner, to direct staff to go back to White Nelson Diehl Evans LLP with the Board's proposal of a one year contract, and to direct staff to prepare an RFP for the District's future potential audits. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Nguyen and Rice

NAYS:

ABSTAIN:

ABSENT:

B. Consider Election of Independent Special Districts of Orange County (ISDOC) Officers

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director Diep, seconded by President Nguyen, to direct President Nguyen, as the District's voting representative, to vote for Michael Posey for President and Mark Monin for First Vice President. The motion was approved by the following 4-0-1 vote:

AYES: Cobo, Diep, Nguyen and Rice

NAYS:

ABSTAIN: Krippner

ABSENT:

INFORMATIONAL ITEMS

A. Municipal Water District of Orange County (MWDOC) 2018 Water Policy Forum – Thursday, October 11, 2018

B. Orange County Sanitation District (OCSD) State of the District Breakfast – Friday, October 19, 2018

C. Independent Special Districts of Orange County (ISDOC) Quarterly Luncheon – Thursday, October 25, 2018

D. Orange County Water District's September 2018 Issue of Hydrospectives –
President's Message – OCWD Welcomes Tri Ta as Division 4 Board Director

Receive and file.

BOARD CONCERNS/COMMENTS

Director Rice thanked Acting GM/Finance/HR Director Housley for taking care of the Directors at the conference.

Director Krippner also thanked Acting GM/Finance/HR Director Housley for his assistance during the CSDA conference.

Director Cobo stated that the conference was informative and useful.

President Nguyen thanked Acting GM/Finance/HR Director Housley for assisting at the CSDA conference.

GM/STAFF CONCERNS/COMMENTS

Acting GM/Finance/HR Director Housley thanked the Board for their support.

GENERAL COUNSEL CONCERNS/COMMENT

General Counsel James Eggart provided the Board with a brief summary of new State legislation pertaining to solid waste issues. Senate Bill 2115 amends the Vehicle Code to require as of 2020 that anyone passing a stopped trash truck servicing a cart is supposed to move over one lane and pass at a safe distance. Pursuant to Senate Bill 212, California became the first state in the country to pass a comprehensive extended producer responsibility law for home generated pharmaceuticals and sharps. SB 212 will be effective around 2022 and will require that the producers of drugs/needles develop and fund a take back program that helps the customer to bring back dirty needles or unused drugs for proper disposal. Through Assembly Bill 1884, the State of California has also banned the use of single use plastic straws in restaurants, with the exception of fast food restaurants.

In response to a question from Director Cobo, General Counsel Eggart also briefly addressed the trend of lawsuits against special districts under the Voting Rights Act to compel them to switch to by-district elections systems.

CLOSED EXECUTIVE SESSION

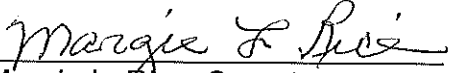
CLOSED SESSION: During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chair may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government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

None

ADJOURNMENT

President Nguyen adjourned the meeting to Tuesday, October 16, 2018 at 5:00 P.M. at the District office at approximately 6:09 P.M.


Margie L. Rice, Secretary