

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

EVERYONE WHO ATTENDED THIS TELECONFERENCE MEETING ATTENDED FROM VARIOUS LOCATIONS PURSUANT TO THE PROVISION OF THE GOVERNOR'S EXECUTIVE ORDER WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT. AGENDA PACKETS WERE MADE AVAILABLE AT THE DISTRICT OFFICE AND A LINK, PHONE NUMBER AND ACCESS NUMBER WERE MADE AVAILABLE TO ANYONE WISHING TO ATTEND. PER STATE OF CALIFORNIA EXECUTIVE ORDER NO. N-29-20, AND IN THE INTEREST OF PUBLIC HEALTH AND SAFETY, THE DISTRICT STRONGLY ENCOURAGED MEMBERS OF THE PUBLIC TO PARTICIPATE IN THIS MEETING TELEPHONICALLY RATHER THAN ATTENDING IN PERSON.

April 9, 2020

CALL TO ORDER

President C. Nguyen called the special teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Thursday, April 9, 2020 at 10:00 A.M.

BOARD MEMBERS PRESENT:

Margie L. Rice (via teleconference)
Andrew Nguyen (via teleconference)
Sergio Contreras (via teleconference)
Chi Charlie Nguyen (via teleconference)

OTHERS AT MEETING:

Kenneth Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Board Secretary

PLEDGE AND INVOCATION

GM K. Robbins led the Pledge of Allegiance. Director M. Rice gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MARCH 20, 2020 (Roll Call Vote)

A motion was made by Director A. Nguyen, seconded by Director M. Rice, to approve the minutes of the special meeting of March 20, 2020. The motion was approved by the following 4-0 roll call vote:

AYES: S. Contreras, A. Nguyen, C. Nguyen and M. Rice

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 430,924.86 (Roll Call Vote)

#	CK#	Date	AMOUNT	VENDOR	MEMO
1				CHECKS:	
2	11286	3/17	\$ 150.00	Advanced Gas Products	Cylinder rental Feb/Mar 2020
3	11287	3/17	\$ 233.35	AT&T	Cell Phone March-2020
4	11288	3/17	\$ 225.00	Ayala's Carwash	Fleet wash 3/9/20
5	11289	3/17	\$ 1,631.79	Bodyworks Equipment Center	Re-stock filter, grabber belts and rocker switches for Heil
6	11290	3/17	\$ 258.41	Cintas	Uniform Services for 3/12
7	11291	3/17	\$ 56.23	City of Westminster	Hydrant Water Service for March 2020
8	11292	3/17	\$ 86,878.96	CR Transfer	Solid Waste and Organics Tonnage Fees 2/16/20-2/29/20
9	11293	3/17	\$ 91.05	SoCal Gas	CNG Fuel for February 2020
10	11294	3/17	\$ 113.71	Hilco Fastener Warehouse Inc	Supplies for electrical system
11	11295	3/17	\$ 2,136.26	NVB Equipment	A/C repairs NG-5 & NG-9
12	11296	3/17	\$ 59,974.79	Otto Environmental Systems	65 gallon black & 95 gallon blue carts
13	11297	3/17	\$ 124.00	Remington Pure	Water filtration system-Mar-2020
14	11298	3/17	\$ 857.79	Rosemead	Re-stock hydraulic oil for Heil system
15	11299	3/17	\$ 1,200.50	Rutan & Tucker, LLP	Legal Services FEB-2020
16	11300	3/17	\$ 4,404.88	SDRMA	Dental-March, Vision March & April
17	11301	3/17	\$ 197.65	Snap-on	Workboots for Gus Carerra
18	11302	3/17	\$ 1,924.25	TEC of California	Steering wheel replacement NG-2
19	11303	3/17	\$ 4,488.10	Truck Gears, Inc	Cab clearmace lights NG-4
20	11304	3/17	\$ 116.48	TrucParCo	Replacement different. For NG-6
21	11305	3/17	\$ 1,800.11	Verizon	Internet Connection for March 2020
22	11306	3/24	\$ 35.00	Advanced Workplace Strategies	DOT Random Drug Testing 2/27/20
23	11307	3/24	\$ 322.23	AT&T	Brookhurst Lift Station MAR 2020
24	11308	3/24	\$ 900.00	Ayala's Carwash	Fleet wash 3/16, 3/19
25	11309	3/24	\$ 263.45	Cintas	Uniform Services for 3/19
26	11310	3/24	\$ 36,151.89	CR Transfer	Organics Tonnage Fees 3/1/20-3/15/20
27	11311	3/24	\$ 5,854.15	Daniel's Tire Service	Re-stock tires for fleet (24)
28	11312	3/24	\$ 4,422.93	HB Staffing	Temporary Employee Week Ending 3/8, 3/15, 3/22
29	11313	3/24	\$ 254.48	Pitney Bowes, Inc	PB Global Financial-Postage Machine Lease 4/10/20-7/9/20
30	11314	3/24	\$ 514.44	TEC of California	NG-2 ignition key, re-stock filters, battery for hydraulic pump
31	11315	3/31	\$ 835.00	Ayala's Carwash	Fleet wash/sanitize 3/23 & 3/26
32	11316	3/31	\$ 5,485.14	Bodyworks Equipment Center	Stock parts for Heil system, re-stock hydraulic cylinders
33	11317	3/31	\$ 263.45	Cintas	Uniform Services for 3/26
34	11318	3/31	\$ 50,510.77	CR Transfer	Solid Waste Tonnage Fees 3/1/20-3/15/20 + \$272 balance due
35	11319	3/31	\$ 1,158.22	Frontier Communications	District Office Phones & Lift Stations for March 2020
36	11320	3/31	\$ 1,917.26	Green Bell Products	Products for District/shop to disinfect for virus
37	11321	3/31	\$ 116.33	Hilco Fastener Warehouse Inc	Re-stock locknuts, bolts & nylon zip ties

38	11322	3/31	\$	575.00	Izing Electric Inc	Electrical connection on new fire machine
39	11323	3/31	\$	67.80	LegalShield	Member Paid Services for February 2020
40	11324	3/31	\$	26.12	Los Alamitos Napa Auto Parts	Tire chucks
41	11325	3/31	\$	100.00	MemorialCare	DOT DMV Physical Exam 2/26/20
42	11326	3/31	\$	555.00	Miguel Jimenez	Reimbursement 2019 CWEA Membership; Test
43	11327	3/31	\$	4,032.83	Southern California Edison	District Offices, CNG Station and Lift Stations for March 2020
44	11328	3/31	\$	1,158.64	Standard Insurance Company	Life Insurance & AD&D Premium Coverage for April 2020
45	11329	3/31	\$	605.17	TEC of California	Restock relay valve & air valve for brake system
46	11330	3/31	\$	1,114.84	South Coast AQMD	AQMD Fee for July 2019-June 2020 Westminster & Hammon Lift
47			\$	284,103.45	CHECKS SUBTOTAL	
48						
49					PAYROLL	
50	ACH	4/3	\$	3,720.19	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
51	ACH	3/24	\$	64,781.90	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
52	ACH	3/23	\$	3,552.00	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Employees)
53	ACH	3/23	\$	560.00	Nationwide Retirement Solutions	457 Roth (100% Paid By Employees)
54	ACH	4/3	\$	283.17	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
55			\$	72,897.26	ACH TRANSFERS SUBTOTAL	
56						
57					ACH PAYMENTS	
58	ACH	3/18	\$	1,505.13	Wex Bank (Chevron)	Gasoline and Diesel Fuel for March 2020
59	ACH	3/24	\$	5,585.39	CalPERS	Board of Directors Health Insurance Premiums for April 2020
60	ACH	3/24	\$	52,651.80	CalPERS	Active Employee and Retiree Health Insurance Premiums for April
61	ACH	3/24	\$	14,181.83	CalPERS	Retirement Contributions for 3/9/2020-03/22/2020
62			\$	73,924.15	ACH TRANSFERS SUBTOTAL	
63						
64			\$	430,924.86	TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL, ACH TRANSFERS)	
65						
66					BANK TRANSFERS	
67		4/1	\$	50,000.00	Transfer Funds from Money Market to Checking Account	

A motion was made by Director M. Rice, seconded by Director S. Contreras, to approve the expenditures in the amount of \$ 430,924.86. The motion was approved by the following 4-0 roll call vote:

AYES: S. Contreras, A. Nguyen, C. Nguyen and M. Rice

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that residential trash was up 20-25% due to the "Stay at Home" order and that the majority of calls coming into the District were requests for bulky item pickups or missed containers due to the increased number of cars blocking containers.

Report from the Orange County Sanitation District (OCSD) Meeting on March 25, 2020

Director A. Nguyen reported that the meeting on March 25, 2020 was held via teleconference and was very difficult due to too many people talking over each other. He stated that there was approval of expenditures and the cancellation of tours, meetings, etc. due to COVID-19. There was also a closed session and Director Al Krippner was honored for his years of service on their Board as well as the City of Westminster Planning Commission.

Report from the Franchise Committee Meeting on April 2, 2020

President C. Nguyen, Director M. Rice, GM K. Robbins, Finance/HR Director R. Housley, General Counsel J. Eggart and Dean Ruffridge from CR&R attended the Franchise Committee meeting. CR&R has closed their MRF due to COVID-19 and recyclables that were previously being sorted through are now being taken directly to the landfill.

Director M. Rice reported that there were changes to discuss due to COVID-19 that were necessary and she felt that the temporary amendment to the District's franchise agreement with CR&R was fair.

CONSENT CALENDAR

A. Approve the February 2020 Financial Reports and Budget Review for the Period of July 1, 2019 through February 29, 2020 **(Roll Call Vote)**

A motion was made by Director M. Rice, seconded by President C. Nguyen, to approve the Consent Calendar. The motion was approved by the following 4-0 roll call vote:

- AYES: S. Contreras, A. Nguyen, C. Nguyen and M. Rice
- NAYS:
- ABSTAIN:
- ABSENT:

OLD BUSINESS

None

NEW BUSINESS

A. Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meetings on Tuesday, April 21, 2020 and Tuesday May 5, 2020 at 5:30 P.M. and the Special Board Meeting on Tuesday, April 28, 2020 to Special Teleconference Meetings held at 10 A.M. due to COVID-19 Pandemic

(Roll Call Vote)

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director M. Rice, to approve holding the Midway City Sanitary District meetings of Tuesday, April 21, 2020, Tuesday, April 28, 2020 and Tuesday, May 5, 2020 at 10 A.M. instead of 5:30 P.M. The motion was approved by the following 4-0 roll call vote:

AYES: S. Contreras, A. Nguyen, C. Nguyen and M. Rice

NAYS:

ABSTAIN:

ABSENT:

B. Consider Approval of the 2020-2021 Property and Liability Insurance Coverage and the \$10 Million Dollar Property and Liability Limits with the Special District Risk Management Authority (SDRMA)

(Roll Call Vote)

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director M. Rice, seconded by President C. Nguyen, to approve the Midway City Sanitary District's 2020-2021 property and liability insurance coverage and the \$10 million property and liability limits with Special District Risk Management Authority. The motion was approved by the following 4-0 roll call vote:

AYES: S. Contreras, A. Nguyen, C. Nguyen and M. Rice

NAYS:

ABSTAIN:

ABSENT:

C. Consideration of Options for Filling Vacancy in Board of Directors

(Roll Call Vote)

General Counsel James Eggart explained the various options available to the Board for filling the vacancy on the Board of Directors and discussion ensued.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by President C. Nguyen, seconded by Director M. Rice, to direct Midway City Sanitary District General Counsel James Eggart to contact Legal Counsel for the County of Orange for legal clarification of the Districts options and to prepare a resolution to bring back to the Board for adoption in order for the vacancy to be filled during the General Election in November, 2020. The motion was approved by the following 4-0 roll call vote:

AYES: S. Contreras, A. Nguyen, C. Nguyen and M. Rice

NAYS:

ABSTAIN:

ABSENT:

D. Consider Approval of Temporary Addendum to Exclusive Franchise Agreement with CR&R Incorporated Regarding Temporary Transfer and Disposal of Recyclable Materials during COVID-19 Emergency **(Roll Call Vote)**

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by President C. Nguyen, seconded by Director M. Rice, to approve the Temporary Addendum to the Exclusive Franchise Agreement between the Midway City Sanitary District and CR&R Incorporated regarding the temporary transfer and disposal of recyclable materials during the COVID-19 emergency, and to include a sentence to section 4 of the Temporary Addendum stating clearly that the MRF rate for recyclables will revert back to zero at the expiration of the emergency period. The motion was approved by the following 4-0 roll call vote:

AYES: S. Contreras, A. Nguyen, C. Nguyen and M. Rice

NAYS:

ABSTAIN:

ABSENT:

E. Discussion and Consideration of a Retroactive One-Time Lump Sum Stipend for Midway City Sanitary District Employees Working During the COVID-19 Pandemic **(Roll Call Vote)**

GM K. Robbins stated that if approved, this item would require two separate resolutions – one for represented employees and one for unrepresented employees and that it did not include him. He explained that the extra funds would be taken out of salaries and wages in the budget.

Director M. Rice stated that she wanted GM K. Robbins to be included in the retroactive one-time stipend given to the District's employees.

Director A. Nguyen stated that he would recommend a \$500 stipend for each employee at this time.

There was discussion by the Board regarding splitting a \$1,000 stipend into two separate \$500 stipends in order to give employees one now and another at a later date.

General Counsel J. Eggart stated that he didn't know if it was feasible to break the stipend into two payments and it would need to be researched.

GM K. Robbins stated that he and Finance/HR Director R. Housley would need to research whether the stipend could be split in two.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by President C. Nguyen, seconded by Director S. Contreras, to direct the General Manager to contact the District's union representative to negotiate a side letter agreement for payment of a \$1,000 retroactive stipend and to work with General Counsel to prepare for the Board's consideration at its next meeting the necessary implementing agreements and resolutions for payment of a \$1,000 stipend to all Midway City Sanitary District employees who were working during the COVID-19 pandemic, including the General Manager. The motion was approved by the following 4-0 roll call vote:

AYES: S. Contreras, A. Nguyen, C. Nguyen and M. Rice

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

A. Orange County Waste & Recycling Waste Disposal Agreement Contract Rate

Receive and file.

BOARD CONCERNS/COMMENTS

Directors M. Rice, A. Nguyen, S. Contreras and President C. Nguyen thanked staff and especially GM K. Robbins for all his work and the running around he was doing during this time.

Director S. Contreras stated that he appreciated General Counsel James Eggart for doing the District's due diligence regarding the Board vacancy.

President C. Nguyen stated that he felt that it was a productive meeting.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that all District staff were working and well and that the biggest issue was all the parked cars blocking containers that the drivers had to go back to empty. He stated that the trucks are being cleaned more often and the drivers are provided with masks, gloves and baby wipes.

GM K. Robbins thanked the Board for approving Item 9E and for including him.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel J. Eggart stated that he would be sending a letter to County Counsel regarding the vacant seat on the Board asking for clarification and that he would report back to the Board at the next meeting.

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 C. Nguyen adjourned the meeting in honor of Director Allan Krippner to Tuesday, April 21, 2020 at 10:00 A.M. at the District office at approximately 11:23 A.M.

Sergio Contreras
Sergio Contreras, Secretary