

**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 HYBRID/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 20, 2021

CALL TO ORDER

President A. 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 Tuesday, April 20, 2021 at 5:10 P.M.

BOARD MEMBERS PRESENT:

Margie L. Rice (via teleconference)
Tyler Diep (via teleconference-arrived @ 5:13 PM)
Sergio Contreras (via teleconference)
Chi Charlie Nguyen (via teleconference)
Andrew Nguyen (via teleconference)

OTHERS AT MEETING:

Kenneth Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel (via teleconference)
Joseph Larsen, Labor Counsel (via teleconference)
Danielle Gerardo, Board Secretary

PLEDGE AND INVOCATION

President A. Nguyen led the Pledge of Allegiance. GM K. Robbins gave the Invocation.

PUBLIC COMMENTS

GM K. Robbins stated that the District received five (5) electronic letters, all in favor of Item 9A, and several people on the phone waiting to speak to Item 9A.

Six (6) people (Andrew Gonzalez, Paul Moreno, Tuan Bui, Luis Perez, Doug Mangioni, and Ernesto Medrano) spoke via teleconference and addressed the Board, all in favor of Item 9A, the Project Workforce Agreement (PWA) with Los Angeles/Orange Counties Building and Construction Trades Council for the District addition, solar and remodel project.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF APR. 6, 2021 (Roll Call Vote)

A motion was made by Director S. Contreras, seconded by President A. Nguyen, to approve the minutes of the special meeting of April 6, 2021. 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: T. Diep

Director T. Diep arrived at the meeting at 5:13 PM.

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$507,012.71 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	MEMO
1				CHECKS:	MEMO
2	12589	4/1	\$ 4,212.00	Bazola, LLC	Reassessed sewer permit fees, refund difference
3	12590	4/1	\$ 3,586.74	Daniel's Tire Service	Restock tires and recap tires for Solid Waste
4	12591	4/1	\$ 84,540.40	Jaycox Construction CNG	New compressor for CNG station (final payment)
5	12592	4/1	\$ 4,545.85	Southern California Edison	District Offices, CNG Station and Lift Stations
6	12593	4/6	\$ 525.00	Ayala's Car Wash	Fleet vehicle wash 3/29
7	12594	4/6	\$ 177.89	Chemsearch, Inc	Restock cleaning wipes for shop mechanics
8	12595	4/6	\$ 276.64	Cintas	Employee uniform services for 4/1
9	12596	4/6	\$ 32,100.00	City of Westminster	Manholes to Finished Grade FY 2019-2020
10	12597	4/6	\$ 31.64	City of Westminster-Water Billing	Westminster/Lift Stations 02/03/21-03/30/21
11	12598	4/6	\$ 63.00	County of Orange Treasurer-Tax Collector	Emergency radio in copier room 04/01/21-06/30/21
12	12599	4/6	\$ 107,396.12	CR Transfer	Residential Waste & Organic Tonnage Fees 03/16/21-03/31/21
13	12600	4/6	\$ 1,052.97	Daniel's Tire Service	Restock and recap tires for Solid Waste trucks
14	12601	4/6	\$ 300.00	Streamline	Website Monthly Member Fee
15	12602	4/6	\$ 549.00	Frog Environmental	4th Quarter Storm Waster Monitoring
16	12603	4/6	\$ 5,298.72	Haaker Equipment Company	Replacement parts for M-64 water pump
17	12604	4/6	\$ 49.72	Hillco Fastener Warehouse Inc	Restock washers & bolts for shop
18	12605	4/6	\$ 1,656.09	Hose-Man, Inc	Replacement water & hydraulic hoses for M-64
19	12606	4/6	\$ 10,920.00	IB Consulting, LLC	2021 Sewer & Solid Waste Study
20	12607	4/6	\$ 804.23	Merchants Building Maintenance, LLC	Monthly Janitorial Service
21	12608	4/6	\$ 4,725.30	Orange County Sanitation District	Passthrough Permit Fees March-2021
22	12609	4/6	\$ 1,000.00	Shuster Advisory Group, LLC	Advisory Fee 457(b) and OBRA-Q1 2021
23	12610	4/6	\$ 13.78	SoCal Auto & Truck Parts, Inc	Replacement oil filter for M-64

24	12611	4/6	\$	942.19	TEC of California, Inc	Restock brake rotors for Solid Waste trucks
25	12612	4/6	\$	55.35	TrucPar Company	Pressure gauge to check hydraulic for Heil system
26	12613	4/6	\$	26.50	Underground Service Alert/SC	(10) New Dig Alert tickets
27	12614	4/6	\$	265.62	Cintas	Replacement check for payment not received (#12389)
28	12615	4/6	\$	63.33	Chi Charlie Nguyen	2017-2019 Delta Dental Dividend Refund
29	12616	4/6	\$	62.29	Cody Ranslem	2017-2019 Delta Dental Dividend Refund
30	12617	4/6	\$	28.33	Danielle Gerardo	2017-2019 Delta Dental Dividend Refund
31	12618	4/6	\$	127.46	David Hernandez	2017-2019 Delta Dental Dividend Refund
32	12619	4/6	\$	2.23	Dennis Solano Sr	2017-2019 Delta Dental Dividend Refund
33	12620	4/6	\$	129.45	Gustavo Carrera	2017-2019 Delta Dental Dividend Refund
34	12621	4/6	\$	135.32	Jesus Quintero	2017-2019 Delta Dental Dividend Refund
35	12622	4/6	\$	59.50	Loreta Krippner	2017-2019 Delta Dental Dividend Refund
36	12623	4/6	\$	135.32	Michael LaFreniere	2017-2019 Delta Dental Dividend Refund
37	12624	4/6	\$	5.87	Miguel Jimenez	2017-2019 Delta Dental Dividend Refund
38	12625	4/6	\$	113.06	Nick Castro	2017-2019 Delta Dental Dividend Refund
39	12626	4/6	\$	131.49	Randy Griffith	2017-2019 Delta Dental Dividend Refund
40	12627	4/6	\$	172.54	Raul Martinez	2017-2019 Delta Dental Dividend Refund
41	12628	4/6	\$	135.32	Kenneth Robbins	2017-2019 Delta Dental Dividend Refund
42	12629	4/6	\$	63.33	Robert Cruz	2017-2019 Delta Dental Dividend Refund
43	12630	4/13	\$	147.50	Advanced Gas Products	Restock rental acetylene/oxygen for shop use
44	12631	4/13	\$	98.70	AT&T Mobility	Cell Phone Service
45	12632	4/13	\$	225.00	Ayala's Car Wash	Fleet vehicle wash 4/6
46	12633	4/13	\$	4,120.53	Bodyworks Equipment. Inc	Restock Heil parts for Solid Waste trucks
47	12634	4/13	\$	1,385.69	Wex Bank (Chevron)	Fuel Credit Card for March 2021
48	12635	4/13	\$	254.50	Cintas	Employee uniform services for 4/8
49	12636	4/13	\$	7,861.43	SoCalGas	CNG Station, District offices, mechanics shop, and wash rack
50	12637	4/13	\$	16.80	Hose-Man, Inc	Replacement fitting & o-ring for M-64
51	12638	4/13	\$	420.00	Merchants Building Maintenance, LLC	Enhanced cleaning services on 04/06/21
52	12639	4/13	\$	119.00	Remington Pure	Water Filtration Service
53	12640	4/13	\$	4,122.98	SDRMA	Dental & Vision Insurance Premiums for May 2021
54	12641	4/13	\$	271.53	TEC of California, Inc	Restock A/C filters for Mack trucks
55	12642	4/13	\$	901.96	TrucPar Company	Restock fittings & reflective tape for trucks
56		4/13			TrucPar Company	Price adjustment credit (\$50.11)
57	12643	4/13	\$	1,886.31	Verizon	Internet Connection
58	12644	4/13	\$	5,640.50	Woodruff, Spradlin & Smart	General Counsel Legal Services for March 2021
59			\$	293,952.02	CHECKS SUBTOTAL	
60						
61					PAYROLL	
62	ACH	4/6	\$	65,807.36	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
63	ACH	4/6	\$	1,023.00	Paychex	Employee Deduction Reimbursement-Miguel Jimenez
64	ACH	4/8	\$	4,821.68	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
65	ACH	4/8	\$	810.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
66			\$	72,462.04	ACH TRANSFERS SUBTOTAL	
67						
68					ACH PAYMENTS	
69	ACH	4/6	\$	15,598.65	CalPERS	Retirement Contributions for 03/22/2021-04/04/2021
70	ACH	4/7	\$	125,000.00	CalPERS	Board approved Contribution for CEPPT 115 Trust Account
71			\$	140,598.65	ACH TRANSFERS SUBTOTAL	
72						
73			\$	507,012.71	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
74						
75					BANK TRANSFERS	
76	UB		\$	300,000.00	Transfer Funds from LAIF to UB Checking Account	

A motion was made by Director S. Contreras, seconded by Director M. Rice, to approve the expenditures in the amount of \$507,012.71. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that the District project has been delayed 2-4 weeks due to the Orange County Fire Authority's (OCFA) request for a fire master plan.

Report from the Orange County Sanitation District Meeting on April 21, 2021

President A. Nguyen reported that there was an update for Directors and a report on two small sewer spills.

Report from the MCSD Clean-up Event on Apr. 10, 2021

All five Directors attended the clean-up event and reported that it was worthwhile and well attended and thanked District staff that worked that day.

Report from the Outreach Committee Meeting on Apr. 12, 2021

Director T. Diep and President A. Nguyen reported that another twenty second video is being planned as well as current information in short messages, in multiple languages.

CONSENT CALENDAR

- A. Approve and File the Treasurer's Investment Report for March 2021
- B. Approve the March 2021 Financial Reports and Budget Review for the Period of July 1, 2020 through March 31, 2021
- C. Approve Request of Solid Waste Driver Robert Mayfield to Receive 40 Hours of Vacation Pay in Lieu of Time Off Due to Financial Hardship
- D. Receive and File the California Employers' Retiree Benefit Trust (CERBT) Program Financial Statement for the Quarter Ended March 31, 2021
- E. Receive and File the California Employers' Pension Prefunding Trust (CEPPT) Program Financial Statement for the Quarter Ended March 31, 2021

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the Consent Calendar. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS

None

NEW BUSINESS

A. Approval of Project Workforce Agreement (PWA) with Los Angeles/Orange Counties Building and Construction Trades Council for District Addition, Solar and Remodel Project
(Roll Call Vote)

Director M. Rice stated that she was concerned about the 1%, or approximately \$35,000 additional cost to taxpayers for this item.

John Hanna (Southwest Regional Carpenters) asked to speak and stated that it would not cost the District more because the wages paid would actually be less because they will be apprentice wages and not journeyman wages.

Director M. Rice stated that as long as it didn't cost the District's constituents more money she would support it.

Director T. Diep stated that this would give preference to local residents and help the middle class and he thanked Director S. Contreras and GM K. Robbins for working with him with the OC/LA Building and Construction Trades Council in coming to an agreement for the project.

Director S. Contreras also spoke in favor of the agreement and stated that it would be a good thing for the local community.

Director C. Nguyen stated he was still concerned over the cost.

GM K. Robbins stated that John Hanna made sense when he spoke of the apprenticeship program, which will be a lower cost and that the 1% was explained to him to be administrative costs and would depend on the actual cost of the project.

Director M. Rice stated to Director C. Nguyen that she had worked with John Hanna in the past and that he stands behind his word and she believes that this should be given a chance.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director S. Contreras, seconded by President A. Nguyen, to move in support and approve the Project Workforce Agreement (PWA) with Los Angeles/Orange Counties Building and Construction Trades Council for the Districts addition, solar and remodel project. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. A RESOLUTION NO 2021-01 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ESTABLISHING A POLICY APPLICABLE TO DISTRICT DEPOSITS AND INVESTED FUNDS
(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 Director C. Nguyen, to approve adoption of Resolution No. 2021-01. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

C. A RESOLUTION NO 2021-02 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING THE ANNUAL STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2021-2022 (JULY 1, 2021 THROUGH JUNE 30, 2022)
(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 Director T. Diep to approve adoption of Resolution No. 2021-02. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

D. Discuss and Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meeting on Tuesday, May 4, 2021 at 5:30 P.M. to a Special Teleconference Meeting at 5 P.M. due to the 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 C. Nguyen, seconded by Director M. Rice to approve changing the Midway City Sanitary District's regularly scheduled Board meeting on Tuesday, May 4, 2021 at 5:30 PM to a special teleconference meeting at 5 PM due to the COVID-19 pandemic. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

Director M. Rice thanked Directors T. Diep and S. Contreras for doing the negotiations for the Project Workforce Agreement (PWA) with Los Angeles/Orange Counties Building and Construction Trades Council for the district addition, solar and remodel project.

Director T. Diep thanked Director M. Rice for giving the District project an opportunity and a yes vote and thanked Director S. Contreras and GM K. Robbins for their good work on the item.

Director S. Contreras thanked Directors C. Nguyen and M. Rice for joining the rest of the Board on the project and Director T. Diep and GM K. Robbins for their help on the committee.

President A. Nguyen thanked everyone for working together.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins thanked the Directors for their comments and their direction and stated that there would be a small change order from the OCFA in the amount of approximately \$800 for fire flow testing that needs to be done to test the water capacity in the area. He also stated that the actuator valve on the CNG station was acting up and is being replaced in the amount of \$5,000-6,000. The CNG station is six years old so he will be having some companies come out who are able to monitor the station similar to the sewer SCADA system, in order to keep it running smoothly.

Finance/HR Director R. Housley reminded the Board of the budget meeting next Tuesday, April 27, 2021 at 5:00 PM and reported that the application for VSP vision insurance for the Board of Directors had been sent in and is in underwriting for review at this time.

GENERAL COUNSEL CONCERNS/COMMENTS

None

General Counsel, J. Eggart reminded the Board of the confidentiality of the closed session and that they should make sure that they are attending privately.

General Counsel, J. Eggart convened the meeting to a closed session at 6:01 P.M. with labor negotiators pursuant to Government Code Section 54957.6, as identified on the agenda as item 14A and noted that the District's designated representatives are listed on the agenda.

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.

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

President A. Nguyen reconvened the meeting at 6:29 PM.

General Counsel J. Eggart reported that the Board had met in closed session as identified on Agenda Item No. 14A and that no reportable action had been taken.

ADJOURNMENT

President A. Nguyen adjourned the meeting to Tuesday, April 27, 2021 at 5:00 P.M. at the District office at approximately 6:29 P.M.

Sergio Contreras
Sergio Contreras, Secretary