

**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**

**March 7, 2023**

**CALL TO ORDER**

President T. Diep called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, March 7, 2023 at 5:30 PM.

**BOARD MEMBERS PRESENT:**

Tyler Diep  
Andrew Nguyen  
Chi Charlie Nguyen  
Sergio Contreras  
Mark Nguyen

**STAFF PRESENT:**

Robert Housley, Interim General Manager  
Cynthia Olsder, Executive/Board Secretary

**OTHERS PRESENT:**

James Eggart, General Counsel

**PLEDGE AND INVOCATION**

Director A. Nguyen led the Pledge of Allegiance. Director M. Nguyen gave the Invocation.

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON FEBRUARY 21, 2023**

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the minutes of the regular meeting of February 21, 2023. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

## APPROVAL OF EXPENDITURES

### A. Demands in the amount of \$612,935.61

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14400	2/16	2,744.00	Advanced Thermal Products, Inc	Pipe blankets for solid waste trucks
2	14401	2/16	313.88	AT&T Mobility (First Net)	Cell phone service Jan-2023
3	14402	2/16	880.00	Ayala's Car Wash	Washing and cleaning of district's fleet
4	14403	2/16	207.53	Clean Energy	CNG Station service repair
5	14404	2/16	2,160.63	CRC Cloud	Replace broken computer with laptop
6	14405	2/16	3,222.17	Cummins Pacific LLC	Valve pressure regulator and repair for solid waste truck
7	14406	2/16	1,680.90	Daniels Tire Service	Restock tires for solid waste
8	14407	2/16	5,082.50	Davis Farr LLP	Accounting assistance Dec-2022
9	14408	2/16	1,979.78	Dtntech	March and April clean up mailer
10	14409	2/16	102.65	Grainger	Brass drain for radiator system for solid waste trucks
11	14410	2/16	937.13	Haaker Equipment Co.	Swivel fittings for sewer truck
12	14411	2/16	8.93	Hillco Fastener Warehouse Inc.	Restock lock nuts and bolts for solid waste
13	14412	2/16	828.36	Merchants Building Maintenance, LLC	Janitorial services Feb-2023
14	14413	2/16	1,715.00	Rutan & Tucker, LLP	Legal Services Jan-2023
15	14414	2/16	3,882.91	SDRMA - Employee Benefits	Dental and vision benefits Mar-2023
16	14415	2/16	547.91	Snap-On Tools	Tools for shop use
17	14416	2/16	41,869.39	SoCalGas	Natural Gas for offices, shop, and wash rack Jan-2023
18	14417	2/16	1,349.00	Spectrum Enterprise (Time Warner Cable	Internet Services Feb-2023
19	14418	2/16	7,100.29	Sunrise Automotive (T. Rev's Inc.)	G-2 Ford maintenance and labor
20	14419	2/16	1,355.00	Tesco Controls, Inc.	Troubleshoot network connection at Willow lift station
21	14420	2/16	268.15	UniFirst Corporation	Employee uniform & laundry services
22	14421	2/16	934.42	SoCal Auto & Truck Parts, Inc.	Wrench set for the Shop
23	14422	2/23	940.00	Advanced Thermal Products, Inc	Pipe blankets for solid waste trucks
24	14423	2/23	13,874.50	AKM Consulting Engineers, Inc.	SSMP consultant 01/03 - 01/27/23
25	14424	2/23	1,059.50	Alignment Express of CA, Inc.	NG-10 hydraulic leaks repair, service and labor
26	14425	2/23	468.81	AT&T (Brookhurst Lift Station)	Brookhurst Jan-2023
27	14426	2/23	440.00	Ayala's Car Wash	Washing and cleaning of district's fleet
28	14427	2/23	84.94	City of Westminster Hydrant	Hydrant water service Feb-2023
29	14428	2/23	168,081.43	CR Transfer, Inc.	Tonnage Fees Dec-2022
30	14429	2/23	6,103.40	Cummins Pacific LLC	Ignition coil and seals for CNG system
31	14430	2/23	8,804.13	Daniels Tire Service	Restock tires for solid waste
32	14431	2/23	390.19	Hill's Bros. Lock & Safe, Inc.	Safe replacement keypad
33	14432	2/23	178.32	Hose-Man, Inc.	Silicone heater hose for solid waste trucks
34	14433	2/23	540.00	MemorialCare Medical Foundation	DMV physicals and random drug testing - all departments
35	14434	2/23	804.23	Merchants Building Maintenance, LLC	Janitorial services Dec-2022
36	14435	2/23	1,382.95	NVB Equipment, Inc.	A/C repairs NG-2 solid waste truck
37	14436	2/23	100.00	Pitney Bowes/Purchase Power	Postage for Jan-2023
38	14437	2/23	33.90	Pre-Paid Legal Services, Inc.	Prepaid legal Feb-2023
39	14438	2/23	116.14	Sign Design	Decals for NG-18
40	14439	2/23	300.62	Snap-On Tools	Magnet panel tray for G-2
41	14440	2/23	8,495.55	Southern California Edison	District Offices, CNG station, and lift stations
42	14441	2/23	9,271.83	TEC Of California, Inc.	Restock parts, supplies, fleet repairs and maintenance
43	14442	2/23	1,011.77	TSP Printing	Driver Vehicle Inspection Books(2,750)
44	14443	2/23	279.34	UniFirst Corporation	Employee uniform & laundry services
45	14444	2/23	1,109.94	Union Bank (First Bankcard)	New tailgate pump for T-9 Bulky Truck
46	14445	2/23	206,496.33	Woodcliff Corporation - Contractor	Building project pay application #4 Jan-2023
47	14446	2/23	10,868.23	Woodcliff Corporation - Escrow Account	Building project pay application #4 - Retention payment
48			<b>\$ 520,406.58</b>	<b>CHECKS SUBTOTAL</b>	
49					

49					
50				<b>PAYROLL:</b>	<b>MEMO</b>
51	ACH	2/22	\$ 66,600.62	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
52	ACH	2/22	\$ 5,300.27	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
53	ACH	2/23	\$ 5,375.83	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
54			\$ 77,276.72	<b>ACH TRANSFERS SUBTOTAL</b>	
55					
56				<b>ACH PAYMENTS:</b>	<b>MEMO</b>
57	ACH	2/16	1,629.93	Chevron Texaco (Wex Bank)	Gasoline and diesel fuel for Feb-2023
58	ACH	2/22	\$ 15,252.31	CalPERS	Retirement Contributions for 02/06 - 02/19/23
59			\$ 15,252.31	<b>ACH TRANSFERS SUBTOTAL</b>	
60					
61			\$ 612,935.61	<b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b>	
62					
63				<b>BANK TRANSFERS:</b>	
64	UB		\$ 500,000.00	Transfer Funds from LAIF to UB Checking	
65			\$ 500,000.00	<b>BANK TRANSFERS</b>	

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve the expenditure in the amount of \$612,935.61. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

## REPORTS

**Report of President:** None

### Report of Interim General Manager

Interim GM R. Housley provided an update on the Building Construction Project. He reported that additional delays are expected as a result of the rain.

Interim GM R. Housley reported that the Public Budget Workshop/Study Sessions scheduled for March 15<sup>th</sup> and April 19<sup>th</sup> of 2023 needs to be rescheduled because the dates clash with another meeting. This item will be brought back for discussion at the next meeting.

Interim GM R. Housley reported that the CSDA Legislative day is held on May 16-17, 2023 in Sacramento. The District has a regular board meeting scheduled for Tuesday, May 16, 2023. This item will be brought back for discussion at the next meeting.

Interim GM R. Housley reported that the city of Westminster wants the District to take part in two events that are scheduled in April. The Earth Day Event is on April 19<sup>th</sup>, an education fair for

Seniors, and the Clean-up Event on April 22, 2023. Interim GM R. Housley reported that we have previously participated, and we will continue to participate.

Interim GM R. Housley reported that he has contacted Townsend Public Affairs Research and Grant Writing to inquire about grants for ongoing and upcoming projects for the District.

### **Report from OC SAN District Special Meeting on February 22, 2023**

Director A. Nguyen reported that OC San will no longer hold AB 361 virtual meetings now that the Covid State of Emergency is lifted. Additionally, he reported that OC San is proposing a sewer service fee increase over the following 5 years, and that a public hearing will be conducted on March 22, 2023.

Director A. Nguyen reported that the Westminster Blvd. Sewer Project is complete. Due to the rain and material delays, paving is scheduled to occur the week of March 13, 2023.

### **Report from the Building Project Ad Hoc Committee on February 28, 2023**

Director M. Nguyen and Director S. Contreras commented that the meeting was productive and that there was nothing new that needed to be discussed.

### **Report from the Outreach Committee Meeting on March 1, 2023**

Director C. Nguyen and Director A. Nguyen met with Staff to go over the radio schedule for April and to discuss promotional giveaways items.

## **CONSENT CALENDAR**

- A. Recognition and Approval of 10-year Safety Award for Lead Sewer Maintenance Worker, Randy Griffith, in the Amount of \$300.00
- B. Approval of the Outreach Committee Recommendations

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to approve the Consent Calendar. The motion was approved by the following 4-0-1 vote:

AYES: S. Contreras, A. Nguyen, M. Nguyen, C. Nguyen  
NAYS:  
ABSTAIN: T. Diep  
ABSENT:

## **OLD BUSINESS**

None

## NEW BUSINESS

### A. A RESOLUTION NO. 2023-04 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE 2023-2024 SALARY SCHEDULE FOR NON-REPRESENTED EMPLOYEES

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, adopt Resolution No. 2023-04, adopting the 2023-2024 salary schedule for non-represented employees. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

### B. A RESOLUTION NO. 2023-05 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE 2023-2024 SALARY SCHEDULE FOR REPRESENTED EMPLOYEES

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to adopt Resolution No. 2023-05, adopting the 2023-2024 salary schedule for represented employees. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

### C. Consider Approval of General Manager Employment Agreement with Robert Housley

A staff report and recommendation were provided and considered by the Board. General Counsel J. Eggart provided an oral report providing a summary of proposed salary and benefits for Robert Housley to serve as General Manager. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to appoint Robert Housley as General Manager, effective March 8<sup>th</sup>, 2023, and approve the proposed General Manager Employment Agreement between the District and Robert Housley. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

D. CONSIDERATION OF RESOLUTION NO. 2023-06 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY ADOPTING A REVISED POLICY REGARDING BOARD OF DIRECTOR DAYS OF SERVICE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 6489

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to adopt Resolution No.2023-06, adopting a revised policy regarding Board of Directors days of service pursuant to California Health and Safety Code Section 6489. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

E. CONSIDERATION OF RESOLUTION NO. 2023-07 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY APPROVING BOARD OF DIRECTOR AND STAFF ATTENDANCE AT SPECIFIED CONFERENCES, MEETINGS, ACTIVITIES AND EVENTS

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to adopt Resolution No.2023-07, approving Board of Director and Staff attendance at specified conferences, meetings, activities and events. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

**INFORMATIONAL ITEMS**

A. ISDOC VIRTUAL Quarterly Meeting – March 30, 2023

Received and File

**BOARD CONCERNS/COMMENTS**

The Directors all congratulated Robert Housley on becoming General Manager.

President T. Diep informed everyone again that he abstained from approving the consent calendar, as identified on the agenda as item 7, and explained his reason for doing so.

**GM/STAFF CONCERNS/COMMENT**

GM R. Housley expressed his gratitude to the Board for the General Manager position.

GM R. Housley reminded the Board of the Franchise Committee Meeting on March 10<sup>th</sup>, 2023 and the Clean-up Event on March 11<sup>th</sup>, 2023.

GM R. Housley informed the Board that Director C. Nguyen had requested him to obtain some payment history on one of the District's vendors, Daniels Tire. According to the report, the District gets invoices at a rate of \$7,500.00 on average each month. GM R. Housley will compile more data, research some competitors to make a comparison, and present it back to the Board for discuss.

## **GENERAL COUNSEL CONCERNS/COMMENTS**

General Counsel J. Eggart briefly updated the Board on legal developments pertaining to the Levine Act amendments, noting that an Attorney General's opinion had been requested regarding whether the amended statute applies retroactively to donations received in 2022 or if it only pertains to donations received starting in 2023.

## **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: Interim General Manager Robert Housley and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01
  
- B. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)  
Agency Designated Representatives: Tyler Diep, Charlie Nguyen, and James Eggart  
Unrepresented Employee: Robert Housley

The Board did not convene into closed session.

## **ADJOURNMENT**

President T. Diep adjourned the meeting at 6:22 PM to the next Board meeting to be held at the District on Tuesday, March 21, 2023 at 5:30 PM.

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Andrew Nguyen, Secretary