

**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.

May 19, 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 Tuesday, May 19, 2020 at 10:00 A.M.

BOARD MEMBERS PRESENT:

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

OTHERS AT MEETING:

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

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MAY 5, 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 May 5, 2020. The motion was approved by the following 3-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 331,988.19 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	MEMO
1				CHECKS:	
2	11406	5/1	\$ 3,985.33	US Bank Corporate Payment Systems	District Credit Cards
3	11407	5/1	\$ 590.00	Ayala's Car Wash	Fleet wash 4/27
4	11408	5/1	\$ 1,612.00	HB Staffing	Temporary Employee Services Week Ending 04/26/2020
5	11409	5/1	\$ 249.79	NVB	A/C part replacement for NG-9
6	11410	5/1	\$ 1,716.96	Plumbers Depot, Inc	New gas detector for confined spaces (Sewer maintenance)
7	11411	5/1	\$ 5,091.53	TEC of California, Inc	NG-3 compressor, NG-2 air compressor and brake fittings
8	11412	5/1	\$ 504.17	TrucPar Company	Restock drain valves & filters, air fittings for NG1 & NG-3
9	11413	5/1	\$ 16.30	Union Bank	Restock for front office
10	11414	5/8	\$ 59.50	Advanced Workplace Strategies	Random Drug Testing for DOT
11	11415	5/8	\$ 316.58	AT&T	Brookhurst Lift Station Service for 2/20 Replacement check
12	11416	5/8	\$ 845.00	Ayala's Car Wash	Fleet wash 4/30 & 5/4
13	11417	5/8	\$ 6,670.22	Bodyworks Equipment, Inc	Restock packer paddle kit, NG-9 valve, NG-4 hopper cover
14	11418	5/8	\$ 783.65	Wex Bank (Chevron)	Fuel Credit Card for April 2020
15	11419	5/8	\$ 265.96	Cintas	Uniform Services for 4/30, 5/1
16	11420	5/8	\$ 31.64	City of Westminster	Westminster/ Lift Stations 03/04/20-04/28/20
17	11421	5/8	\$ 4,568.60	Daniel's Tire Service	(18) Restock tires for fleet
18	11422	5/8	\$ 145.99	DIRECTV	Service for April 2020
19	11423	5/8	\$ 5,849.94	Employment Development Dept	C. Enciso 01/01/20-03/31/20
20	11424	5/8	\$ 7,560.80	HB Staffing	Debbie Ralph Week Ending 04/26/2020 & Conversion
21	11425	5/8	\$ 23.16	Hillco Fastener Warehouse, Inc	Restock bolts & nuts
22	11426	5/8	\$ 175.00	MemorialCare Medical Foundation	Physicals 3/24/20 & 4/28/20
23	11427	5/8	\$ 3,298.34	Merchants Building Maintenance	Janitorial Services for May 2020 + Cleaning/Sanitizing
24	11428	5/8	\$ 500.00	Mohammad Ali Qazi	Reimburse Deductible for 04/09/2020 Incident
25	11429	5/8	\$ 828.97	NVB	A/C repairs to NG-7
26	11430	5/8	\$ 23,778.50	Orange County Sanitation District	Permit Fees for April (MCSO 5% = \$1,251.50)
27	11431	5/8	\$ 154.31	Petty Cash-Ken Robbins	Petty cash July 2019-May 2020
28	11432	5/8	\$ 164.89	Pro-Vision, Inc	64g sd cards for camera system
29	11433	5/8	\$ 1,000.00	Radio Bolsa Corp.	Talkshow: 20 minutes (4) May 06, 08, 13, 15
30	11434	5/8	\$ 114.00	Remington Pure	April 2020 Water Filtration
31	11435	5/8	\$ 261.40	Margie Rice	Reimburse airfare for Waste Expo flight May 4-7 2020
32	11436	5/8	\$ 1,372.00	Rutan & Tucker, LLP	Personnel Legal Services for April 2020
33	11437	5/8	\$ 1,138.00	Safety-Kleen System, Inc	Restock antifreeze
34	11438	5/8	\$ 981.28	Socal Auto & Truck Parts Inc	Restock hose clamps, hydraulic hoses & fittings, grinding wheel
35	11439	5/8	\$ 171.14	Staples Business Credit	April 2020 Office Supplies
36	11440	5/8	\$ 300.00	Digital Deployment dba Streamline	Website Monthly Member Fee-May 2020
37	11441	5/8	\$ 7,787.18	TEC of California, Inc	NG-3 compressor, HG-10 air valve, restock brake pads & rotors
38	11442	5/8	\$ 2,160.00	Theresa Kasprzyk	Website Design & Maintenance
39	11443	5/8	\$ 894.16	TrucPar Company	Air fitting, air filter for NG-10, fittings/clamps, hydraulic hoses
40	11444	5/8	\$ 28.15	Underground Service Alert	(11) New Tickets for April 2020

41	11445	5/8	\$ 1,004.50	Wespac Security Services	Security Monitoring Jan-June 2020
42	11446	5/12	\$ 145,419.46	CR Transfer	Solid Waste & Organics Tonnage Fees 4/15/2020 - 4/30/2020
43			\$ 232,418.40	CHECKS SUBTOTAL	
44					
45				PAYROLL	
46	ACH	5/5	\$ 81,251.68	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
47	ACH	5/4	\$ 3,572.49	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Employees)
48	ACH	5/4	\$ 560.00	Nationwide Retirement Solutions	457 Roth (100% Paid By Employees)
49			\$ 85,384.17	ACH TRANSFERS SUBTOTAL	
50					
51				ACH PAYMENTS	
52	ACH	5/3	\$ 14,185.62	CalPERS	Retirement Contributions for 04/20/2020-05/03/2020
53			\$ 14,185.62	ACH TRANSFERS SUBTOTAL	
54					
55			\$ 331,988.19	TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL, ACH TRANSFERS)	
56					
57				BANK TRANSFERS	
58					
59	LAIF	5/14	\$ 750,000.00	Transfer Funds from Checking Account to LAIF	

A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$ 331,988.19. The motion was approved by the following 3-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that the District would be restarting the bulky item service on Monday, June 8, 2020. The District is waiting to see if CR&R will allow the District to borrow a front loader and Heil is planning to loan the District a truck for a period of time in order to help pick up all the items that have residents have been holding onto during the pandemic.

Director M. Rice asked if GM K. Robbins was really expecting there to be that many bulky items to pick up.

GM K. Robbins reported that the District picks up 30 tons of bulky items every month and that the District picks up more in one month than most agencies pick up in one year.

GM K. Robbins reported that there would be a COVID-19 style barbeque luncheon for staff tomorrow, Wednesday, May 20, 2020. He stated that the drivers get blamed for a lot of things and have been doing a great job during the lockdown so he wanted to do something for them.

GM K. Robbins reported that the pre-approved fire suppression unit was being installed on NG-3 to test it out and see if it functions properly and helps with the truck fires that have been happening.

Report from Orange County Sanitation District (OCSD) Meeting on May 13, 2020

Director A. Nguyen reported that the meeting was an update and discussion regarding the next 5-10 years for Plant 1 and Plant 2 and that everything is being delayed due to the COVID-19 pandemic. There was also discussion regarding OCSD taking on organic digestion for a period of 5 years @ \$37/ton versus 10 years @ \$26/ton.

CONSENT CALENDAR

(Roll Call Vote)

- A. Approve and file the Treasurer’s Investment Report for April 2020
- B. Approve the April 2020 Financial Reports and Budget Review for the Period of July 1, 2019 through April 30, 2020
- C. Approve Fiscal Year 2019-2020 Budget Adjustments No. 2

A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve the Consent Calendar. The motion was approved by the following 3-0 roll call vote:

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

OLD BUSINESS

None

NEW BUSINESS

- A. RESOLUTION NO. 2020-08

(Roll Call Vote)

A RESOLUTION NO. 2020-08 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2020-2021 FOR THE DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

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 A. Nguyen, to approve adoption of Resolution No. 2020-08, establishing the appropriations limit for the fiscal year 2020-2021 for the District in accordance with the provisions of Division 9 of Title 1 of the California Government Code. The motion was approved by the following 3-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

B. RESOLUTION NO. 2020-09

(Roll Call Vote)

PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 2020-09 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING A REPORT ON SANITATION AND SEWER USER FEES AND DIRECTING THE COUNTY AUDITOR TO ADD SUCH USER CHARGES TO THE JULY 1, 2020 THROUGH JUNE 30, 2021 SECURED TAX ROLL PURSUANT TO ORDINANCE NO. 64 AND ORDINANCE NO. 67

President C. Nguyen read the title of the Resolution and opened the public hearing.

There were no public comments.

President C. Nguyen closed the public hearing.

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 adoption of Resolution No. 2020-09, approving a report on sanitation and sewer user fees and directing the County auditor to add such user charges to the July 1, 2020 through June 30, 2021 secured tax toll pursuant to Ordinance No. 64 and Ordinance No. 67. The motion was approved by the following 3-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

C. RESOLUTION NO. 2020-10

(Roll Call Vote)

PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 2020-10 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING A REPORT ON SANITATION AND SEWER USER FEES PURSUANT TO SPECIAL USAGE PERMIT AGREEMENT AND COVENANT DOCUMENTS AND DIRECTING THE COUNTY AUDITOR TO ADD SUCH USAGE FEES TO THE JULY 1, 2020 THROUGH JUNE 30, 2021 SECURED TAX ROLL PURSUANT TO ORDINANCE NO. 26 AND ORDINANCE NO. 67

President C. Nguyen read the title of the Resolution and opened the public hearing.

There were no public comments.

President C. Nguyen closed the public hearing.

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 A. Nguyen, to approve Resolution No. 2020-10, approving a report on sanitation and sewer user fees pursuant to special usage permit agreement and covenant documents and directing the County auditor to add such usage fees to the July 1, 2020 through June 30, 2021 secured tax roll pursuant to Ordinance No. 26 and Ordinance No. 67. The motion was approved by the following 3-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

D. RESOLUTION NO. 2020-11

(Roll Call Vote)

PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 2020-11 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE SPECIAL DISTRICT GENERAL FUND BUDGET FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021

President C. Nguyen read the title of the Resolution and opened the public hearing.

There were no public comments.

President C. Nguyen closed the public hearing.

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 adoption of Resolution No. 2020-11 adopting the Special District general fund

budget for the fiscal year July 1, 2020 through June 30, 2021. The motion was approved by the following 3-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

E. Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meeting on Tuesday, June 2, 2020 at 5:30 P.M. to a Special Teleconference Meeting 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 changing the Midway City Sanitary District's regularly scheduled Board meeting on Tuesday, June 2, 2020 at 5:30 P.M. to a special teleconference meeting held at 10 A.M. due to COVID-19 pandemic. The motion was approved by the following 3-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

INFORMATIONAL ITEMS

A. Independent Special Districts of Orange County (ISDOC) Adoption of Alternative Formula for Apportioning Special District's Share of 2020-2021 OC LAFCO Budget

B. OC LAFCO Special District Regular Member Seat Selection Process-Nomination Period Closing and Results

Receive and file.

BOARD CONCERNS/COMMENTS

Director M. Rice thanked Finance/HR Director R. Housley for doing a great job on the budget.

President C. Nguyen thanked everyone for attending the teleconference meeting. He stated that since Director A. Krippner would not be returning to his position on the Board, if Director M. Rice should be appointed to Treasurer instead of Treasurer Pro-Tem.

General Counsel J. Eggart stated that it could be placed on the next agenda for discussion by the Board if that is what they wished and any other positions he held could be changed.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins asked if Director M. Rice would need to attest to the Resolutions adopted today since Director S. Contreras was absent and she is the Secretary Pro-Tem.

General Counsel J. Eggart stated that Director M. Rice would need to attest to the Resolutions approved today.

Finance/HR Director R. Housley thanked the Board for adopting the Resolutions and passing the budget and stated that the District's newest employee, Debbie Ralph, started last week on Monday, May 4, 2020.

GENERAL COUNSEL CONCERNS/COMMENTS

None

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 to Tuesday, June 2, 2020 at 10:00 A.M. at the District office at approximately 10:21 A.M.

Margie L. Rice
Margie L. Rice, Secretary Pro-Tem