

**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**

**EVERYONE WHO ATTENDED THIS HYBRID/TELECONFERENCE MEETING
ATTENDED IN PERSON; HOWEVER, PARTICIPANTS WERE ELIGIBLE TO
ATTEND 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.**

September 21, 2021

CALL TO ORDER

President A. Nguyen called the regular in-person hybrid/teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, September 21, 2021 at 5:32 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep
Sergio Contreras
Chi Charlie Nguyen (via teleconference)
Andrew Nguyen
Mark Nguyen

OTHERS AT MEETING:

Robert Housley, Acting GM/Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Executive Board Secretary
Ashton Kauwe, Resident

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPT. 7, 2021 (Roll Call Vote)

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the minutes of the regular meeting of September 7, 2021. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 412,104.77

(Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	
				CHECKS:	MEMO:
1	13087	9/8	\$ 490.00	Ayala's Car Wash	Fleet wash on 08/31/21
2	13088	9/8	\$ 753.94	Bodyworks Equipment, Inc.	Restock Heil parts for solid waste trucks
3	13089	9/8	\$ 230.58	Chemsearchfe	Restock aerosol for shop use
4	13090	9/8	\$ 1,180.31	Wex Bank (Chevron)	Fuel credit card for August 2021
5	13091	9/8	\$ 263.28	Cintas	Employee uniform services for 09/02/21
6	13092	9/8	\$ 105,659.74	CR Transfer	Tonnage from 08/16/21 through 08/31/21
7	13093	9/8	\$ 4,191.30	Daniel's Tire Service	Restock tires for solid waste trucks
8	13094	9/8	\$ 730.00	Darlene Hogue	Refund for cancelled permit #6740
9	13095	9/8	\$ 795.25	Dartco Transmission Sales & Srvs.	Restock transmission filter for solid waste trucks
10	13096	9/8	\$ 804.23	Merchants Building Maintenance, LLC	Monthly janitorial service
11	13097	9/8	\$ 11,283.75	Plumbers Depot Inc.	(10) Custom manholes
12	13098	9/8	\$ 25,898.22	Renegel & Company Architects	Media news advertising, fire plan submittal, planet bids portal
13	13099	9/8	\$ 412.60	Robbins, Kenneth	CSDA Conference mileage reimbursement 08/30-09/02/21
14	13100	9/8	\$ 2,066.25	Saigon Capital Restaurant	MCSD Open House additional food for 08/29/21
15	13101	9/8	\$ 6,953.00	SCI Consulting Group	Annual Admin & Levy Services Fee FY 2021-2022
16	13102	9/8	\$ 178.04	SoCal Auto & Truck Parts, Inc.	Restock miscellaneous parts for solid waste trucks
17	13103	9/8	\$ 8,581.77	SoCalGas	CNG Station from 08/01/2021 through 09/01/2021
18	13104	9/8	\$ 300.00	Streamline	Website Monthly Member Fee 09/01/21-10/01/21
19	13105	9/8	\$ 172.62	TrucPar Company	Restock misc. for solid waste trucks
20	13106	9/8	\$ 21.55	Underground Service Alert	(7) New tickets for Aug-2021 & monthly fee
21	13107	9/8	\$ 441.00	WesPac Security Services	Alarm services for July - Sept. 2021
22	13108	9/9	\$ 17,427.57	TEC of California, Inc.	Restock parts for solid waste trucks
23	13109	9/10	\$ -	Void - Testing	Void - Testing New Signature
24	13110	9/13	\$ -	Void - Testing	Void - Testing New Signature
25	13111	9/13	\$ -	Void - Testing	Void - Testing New Signature
26	13112	9/14	\$ 137.18	AT&T Mobility	Cell Phone Service
27	13113	9/14	\$ 200.00	Ayala's Car Wash	Fleet wash on 09/07/21
28	13114	9/14	\$ 263.28	Cintas	Employee uniform services for 09/10/21
29	13115	9/14	\$ 1,321.08	Clean Energy	Service for CNG station
30	13116	9/14	\$ 804.31	CR&R Incorporated	Bins for Clean-Up Event on 08/21/21
31	13117	9/14	\$ 11,721.04	CRC Cloud	Admin new computers, monitors and software
32	13118	9/14	\$ 850.00	Four Pals, Inc.	Backflow testing and repairs
33	13119	9/14	\$ 1,374.40	Hydraforce	Stock hydraulic cylinders for solid waste trucks
34	13120	9/14	\$ 40,734.10	Orange County Sanitation District	Permit Fees August-2021
35	13121	9/14	\$ 254.48	Pitney Bowes Global Financial Services	Leasing payment for 10/10/21-01/09/22
36	13122	9/14	\$ 57.52	SoCal Gas	CNG Station, District offices, mechanics shop, and wash rack
37	13123	9/14	\$ 1,277.36	Standard Insurance Company	Life insurance & AD&D premium coverage
38	13124	9/14	\$ 97.22	TrucPar Company	Restock fittings for solid waste trucks
39	13125	9/14	\$ 2,950.31	Verizon	SCADA August-2021

40	13126	9/15	\$ 49,550.00	Tesco Controls, Inc.	SCADA System & Lift Station routers upgraded & replaced
41	13127	9/15	\$ 4,891.00	Woodruff, Spradlin & Smart	Legal services for August-2021
42	13128	9/15	\$ 7,334.00	US Bank Corporate Payment Systems	District Credit Cards
43			\$ 312,652.28	CHECKS SUBTOTAL	
44					
45				PAYROLL:	MEMO
46	ACH	9/3	\$ 6,521.61	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
47	ACH	9/3	\$ 835.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
48	ACH	9/7	\$ 71,498.78	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
49	ACH	9/7	\$ 4,752.66	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
50			\$ 83,608.05	ACH TRANSFERS SUBTOTAL	
51					
52				ACH PAYMENTS:	MEMO
53	ACH	9/8	\$ 15,844.44	CalPERS	Retirement Contributions for 08/23/21-09/05/21
54			\$ 15,844.44	ACH TRANSFERS SUBTOTAL	
55					
56			\$ 412,104.77	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
57					
58				BANK TRANSFERS:	
59	UB	9/3	\$ 250,000.00	Transfer Funds from LAIF to Union Bank Checking	
60	UB	9/14	\$ 250,000.00	Transfer Funds from LAIF to Union Bank Checking	
61			\$ 500,000.00	BANK TRANSFERS	

A motion was made by Director T. Diep, seconded by President A. Nguyen to approve the expenditures in the amount of \$ 412,104.77. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

None

Report of General Manager (Acting GM R. Housley)

Acting GM/Finance/HR Director R. Housley reported that GM K. Robbins was attending the GarbageMan's Invitational Golf Tournament and would be back in the office on Friday, September 24, 2021.

Acting GM/Finance/HR Director R. Housley stated that the bids that came in for the building project would be on the next agenda for the Board's review and consideration.

Acting GM/Finance/HR Director R. Housley stated that mandatory harassment training would be offered for District employees and Directors at the District on Saturday, October 2, 2021 from 8-10 AM for those needing it. Director M. Nguyen stated that he would attend.

Acting GM/Finance/HR Director R. Housley reported that there was a bulky item pickup complaint to the District regarding the District's annual calendar and a resident's misunderstanding, but that GM K. Robbins was able to explain the District's policy to the resident.

Acting GM/Finance/HR Director R. Housley stated that the independent audit was almost finished and he was waiting for the final draft and would hopefully be presented to the Board at an upcoming meeting.

Acting GM/Finance/HR Director R. Housley reported that Daveta Kelley transitioned from HB Staffing and has been hired by the District as of Monday, September 20, 2021 and a new solid waste driver named Armando Alatorre has been hired by the District and will start on Monday, September 27, 2021.

Acting GM/Finance/HR Director R. Housley stated that the Governor's Emergency Order for in-person meetings due to COVID-19 would be ending on October 1, 2021, and could be on the next agenda for discussion.

President A. Nguyen asked General Counsel, J. Eggart to explain SB361 regarding meetings.

General Counsel, J. Eggart stated that even though the Governor's Executive order is expiring, the Legislature passed and signed an urgency measure (AB361) which allows public agencies to continue to meet using teleconference technology with some relaxed rules. It requires a State of Emergency or some other finding that deems it necessary and in order to continue to meet month to month, the Board will need to make findings at least every 30 days or every other meeting that it is still too dangerous to meet in public or that social distancing measures are in place. He stated that it will be his suggestion that, at the next meeting, the Board discuss this.

Report from the Orange County Sanitation Meeting on Sept. 8, 2021

President A. Nguyen reported that there was a closed session that he could not discuss.

Report from the Radio Bolsa Show on Sept. 8, 2021

Directors T. Diep and C. Nguyen reported that they stressed the importance of recycling, especially organics, they mentioned that the Thursday routes are particularly problematic for the District and reminded those who lived in those areas to be more mindful of recycling properly. They also thanked all the attendees at the District's open house for attending.

Report from the Me Viet Radio Show on Sept. 10, 2021

Directors C. Nguyen, S. Contreras and a representative from CR&R reminded listeners about what goes in which container, not to put grease down the sink, SB1383 and CR&R spoke about their efforts, their staffing issues and apologized for the recent complaints for service.

Report from the Calendar Committee Meeting on September 13, 2021

President A. Nguyen and Director C. Nguyen met with GM K. Robbins to go over the District's 2022 annual calendar.

Director C. Nguyen stated that he concluded that DTN Tech offered the best rates for the printing and mailing of the calendar and have not raised their rates for several years, so he withdrew his request that the District go out for bids.

CONSENT CALENDAR

A. Approve and File the Treasurer's Investment Report for August 2021
(Roll Call Vote)

A motion was made by Director S. Contreras, seconded by President A. Nguyen, 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, M. Nguyen

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS

A. Approve of DTN Tech to Design and Print the 2022 Midway City Sanitary District Calendar
(Roll Call Vote)

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve of DTN Tech for the design, printing and mailing of the District's 2022 annual calendar. The motion was approved by the following 4-0-1 roll call vote:

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

NAYS:

ABSTAIN: T. Diep

ABSENT:

NEW BUSINESS

A. Receive and File the California Employers' Retiree Benefit Trust (CERBT) and California Employers' Pension Prefunding Trust (CEPPT) Annual Account Update
(Roll Call Vote)

A motion was made by Director T. Diep, seconded by Director C. Nguyen, to receive and file the California Employers' Retiree Benefit Trust (CERBT) and California Employers' Pension Prefunding Trust (CEPPT) annual account update. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Consider Claim from Peter Nguyen Against Midway City Sanitary District
(Roll Call Vote)

A motion was made by President A. Nguyen, seconded by Director S. Contreras, to reject the claim against the Midway City Sanitary District by Peter Nguyen. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

Director S. Contreras asked if CR&R had done any mailings within the District regarding the state of their service.

Finance/HR Director R. Housley stated that he would look into it and see if GM K. Robbins had any information regarding mailings and report back at the next meeting.

Director M. Nguyen thanked everyone for the warm welcome and staff for their help with all the forms and information that were necessary as a new Director.

Director T. Diep recommended that Director M. Nguyen have a new photo done as a new Director. The Board consensus was to have staff look into having new photos taken of all of the Board members.

GM/STAFF CONCERNS/COMMENT

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

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel, J. Eggart, stated he will ask the General Manager to put an item on the agenda for the next meeting to discuss whether the Board wants to take advantage of the new bill to allow teleconferencing for the Board meetings. He also stated that he provided a letter to Director M. Nguyen outlining some of the laws that apply to him as a Director and to give him background. He also explained the Statute of Limitations for claims involving the District.

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 A. Nguyen adjourned the meeting to Tuesday, October 5, 2021 at 5:30 P.M. at the District office at approximately 6:06 P.M.

Sergio Contreras
Sergio Contreras, Secretary