

**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**

**November 16, 2021**

**CALL TO ORDER**

President A. Nguyen called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, November 16, 2021 at 5:30 P.M.

**BOARD MEMBERS PRESENT:**

Tyler Diep  
Sergio Contreras  
Chi Charlie Nguyen (arrived at 5:39 PM)  
Andrew Nguyen  
Mark Nguyen

**OTHERS AT MEETING:**

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

**PLEDGE AND INVOCATION**

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

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF NOV. 2, 2021  
(Roll Call vote)**

A motion was made by Director T. Diep, seconded by President A. Nguyen, to approve the minutes of the regular meeting of November 2, 2021. The motion was approved by the following 4-0 roll call vote:

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

**APPROVAL OF EXPENDITURES**

**(Roll Call vote)**

**A. Demands in the amount of \$ 278,502.42**

#	CK #	Date	AMOUNT	VENDOR	
				<b>CHECKS:</b>	<b>MEMO:</b>
1	13254	11/1	\$ 161.10	Petty Cash-Ken Robbins	November office supplies and operating expenses
2	13255	11/1	\$ 4,417.04	SDRMA - Employee Benefits	Dental and Vision benefits Nov-2021
3	13256	11/1	\$ 1,322.96	Standard Insurance Company	Life insurance & AD&D premium coverage
4	13257	11/8	\$ 715.00	Ayala's Car Wash	Fleet vehicle wash 10/26/21 and 11/01/21
5	13258	11/8	\$ 4,398.02	Bodyworks Equipment, Inc.	Replacement parts for solid waste trucks
6	13259	11/8	\$ 1,523.71	Wex Bank (Chevron)	Fuel credit card for November 2021
7	13260	11/8	\$ 548.80	Cintas	Employee uniform services for October and November
8	13261	11/8	\$ 981.44	Clean Energy	FS corrective service for CNG station
9	13262	11/8	\$ 2,370.00	Clifton Larson Allen, LLP	FYE 06/30/21 audit final bill
10	13263	11/8	\$ 350.00	Country City Towing	Tow for transmission repairs for NG-10
11	13264	11/8	\$ 844.00	CRC Cloud	Maintenance & Support Nov-2021
12	13265	11/8	\$ 2,000.00	CZ Electric	Labor and material to connect air compressor to wash bay
13	13266	11/8	\$ 2,798.46	Daniels Tire Service	Restock new tires for solid waste trucks
14	13267	11/8	\$ 6,758.43	Dartco Transmission Sales & Srvs.	Restock transmission for NG-10
15	13268	11/8	\$ 37,267.44	Dtntech	2022 District calendar printing & mailing
16	13269	11/8	\$ 645.00	Estrella Media, Inc.	07/12/21 - 07/18/21 24 radio spots for hazard waste
17	13270	11/8	\$ 3,348.00	HB Staffing	10/18/21-10/31/21 for temp services
18	13271	11/8	\$ 110.89	Hose-Man	Parts for air compressor
19	13272	11/8	\$ 804.23	Merchants Building Maintenance, LLC	Monthly janitorial service for November 2021
20	13273	11/8	\$ 6,416.13	Orange County Sanitation District	Permit Fees November- 2021
21	13274	11/8	\$ 30.75	Paychex - Employee Screening	New employee background screening
22	13275	11/8	\$ 1,725.00	Rengel + Company Architects, Inc	Building Project: Green sheet requests & soils engineering
23	13276	11/8	\$ 2,200.26	Safety-Kleen Systems, Inc.	Restock hydraulic oil for solid waste trucks
24	13277	11/8	\$ 494.81	Snap-on Tools	Car scanners for Shop use
25	13278	11/8	\$ 10,163.65	SoCal Auto & Truck Parts, Inc.	Restock parts for Shop use
26	13279	11/8	\$ 10,157.11	SoCal Gas	CNG Station from 10/01/2021 through 11/01/2021
27	13280	11/8	\$ 80.02	Time Warner Cable	Television service
28	13281	11/8	\$ 1,478.69	Staples Business Credit	Restock Office Supplies Oct-2021
29	13282	11/8	\$ 300.00	Streamline	Website Monthly Member Fee 11/01/21-12/01/21
30	13283	11/8	\$ 637.45	TrucPar Company	Restock tools for Shop use
31	13284	11/8	\$ 33.10	Underground Service Alert	(14) New Tickets for Oct-2021 & Monthly Fee
32			<b>\$ 105,081.49</b>	<b>CHECKS SUBTOTAL</b>	
33					
34				<b>PAYROLL:</b>	<b>MEMO</b>
35	ACH	11/2	\$ 74,756.01	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
36	ACH	11/2	\$ 4,755.80	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
37	ACH	11/2	\$ 895.41	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
38	ACH	11/5	\$ 8,236.61	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
39	ACH	11/5	\$ 846.00	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
40			<b>\$ 89,489.83</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
41					
42				<b>ACH PAYMENTS:</b>	<b>MEMO</b>
43	ACH	11/1	\$ 58,932.14	CalPERS	Active Employee and Retiree Health Ins Premiums November 2021
44	ACH	11/1	\$ 8,453.97	CalPERS	Board of Directors Health Insurance Premiums for November 2021
45	ACH	11/2	\$ 16,544.99	CalPERS	Retirement Contributions for 10/18/21-10/31/21
46			<b>\$ 83,931.10</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
47					
48			<b>\$ 278,502.42</b>	<b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b>	
49					
50				<b>BANK TRANSFERS:</b>	
51	UB	11/8	\$ 250,000.00	Transfer Funds from LAIF to Union Bank Checking	
52			<b>\$ 250,000.00</b>	<b>BANK TRANSFERS</b>	

A motion was made by President A. Nguyen, seconded by Director M. Nguyen, to approve the expenditures in the amount of \$ 278,502.42. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

## **REPORTS**

### **Report of President**

None

### **Report of General Manager**

GM K. Robbins reported that he is expecting Cal OSHA to come out with their decision regarding a vaccine mandate requirement on Thursday, November 18, 2021. The District has concerns because this could potentially drive a few drivers and mechanics to retire early, although they will most likely allow weekly testing, which could help. He stated that CR&R drivers and their services could be affected and as well as nationwide because there is already a shortage of drivers.

GM K. Robbins reported that one Midway City Sanitary District driver would be retiring on December 31, 2021 so the District would be recruiting and replacing him.

### **Report from the Orange County Sanitation District (OC San) Meetings on Nov. 11, 2021**

President A. Nguyen reported that OC San had an audit, with everything coming out normal. He reported that they have enough funds to cover an emergency or disaster and their trust fund accounts with PARS (Public Agency Retirement Services) total \$15 million.

## **CONSENT CALENDAR**

*(Roll Call vote)*

- A. Approve and file the Treasurer's Investment Report for October 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 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

Director C. Nguyen arrived at the meeting at 5:39 PM.

**OLD BUSINESS**

None

**NEW BUSINESS**

A. RESOLUTION NO. 2021-11

***(Roll Call vote)***

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, MAKING SPECIFIED FINDINGS AND REAUTHORIZING THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 AND GOVERNMENTS CODE SECTION 54953 (e) FOR MEETING OF THE MIDWAY CITY SANITARY DISTRICT BOARD OF DIRECTORS AND OTHER DISTRICT COMMITTEES SUBJECT TO STATE OPEN MEETINGS LAWS

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve adoption of Resolution No. 2021-11. The resolution 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. RESOLUTION NO. 2021-12

***(Roll Call vote)***

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING AN EMPLOYEE HANDBOOK FOR NON-REPRESENTED EMPLOYEES AND RESCINDING RESOLUTION NO. 2019-06

A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to approve adoption of Resolution No. 2021-12. The resolution was approved by the following 5-0 roll call vote:

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

C. Discussion and Consideration Regarding Budget for the February 12, 2022 Midway City Sanitary District Open House ***(Roll Call vote)***

Director T. Diep stated that he met with President A. Nguyen and GM K. Robbins to discuss and that they are trying to cut the costs of the event literature.

President A. Nguyen stated that he spoke with students from the local high school about performing the drums and dragon dance at the event.

A motion was made by Director T. Diep, seconded by President A. Nguyen, to approve a budget of \$45,000 and authorize staff and the ad hoc committee to proceed with the execution of the event. 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:

D. Consider Claim Against the Midway City Sanitary District from Ha Dao  
**(Roll Call vote)**

A motion was made by President A. Nguyen, seconded by Director T. Diep, to deny the claim against the District by Ha Dao as recommended by staff. 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:

E. Consider Having the Midway City Sanitary District Board Reorganization During the Regular Meeting on Tuesday, December 7, 2021  
**(Roll Call vote)**

A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to approve having the annual Board reorganization at the regular meeting on Tuesday, December 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:

**INFORMATIONAL ITEMS**

None

**BOARD CONCERNS/COMMENTS**

Director T. Diep stated that the District Franchise Committee should meet with the District's new CR&R representative sometime this month.

Director C. Nguyen stated that the District should schedule to do radio shows this month with or without the new CR&R representative because it is part of their agreement with the District.

**GM/STAFF CONCERNS/COMMENT**

GM K. Robbins wished everyone a Happy Thanksgiving and reminded them that the District office would be closed on Thursday and Friday, November 25 and 26. The District solid waste drivers would be working Friday and Saturday to complete solid waste service to those District routes.

Finance/HR Director R. Housley stated that, with regard to the possible vaccine mandate, the District is a member of WEROC and was able to obtain 250 COVID-19 self-test kits at no cost. If Cal OSHA does decide to mandate the vaccine, these will come in handy as the cost for weekly testing for unvaccinated employees will fall on them, not the District. He also stated that since the change was made to District employee’s comp time on the new MOU, attendance had improved overall and he wished everyone a Happy Thanksgiving.

**GENERAL COUNSEL CONCERNS/COMMENTS**

General Counsel, J. Eggart stated that during the November 2, 2021 meeting, the Board lost quorum while the closed session was taking place, and stated for the record that no reportable action was taken at that closed session prior to losing quorum. He also stated that, at the Tuesday, December 7, 2021 meeting, the Board would probably be considering updates to the District’s solid waste regulations to address all of the changes required by CalRecycle with SB1383 (organics), as well as an agreement between the District and the City of Westminster allocating responsibility with respect to certain SB 1383 compliance activities.

**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, December 7, 2021 at 5:30 P.M. at the District office at approximately 6:09 P.M.

Sergio Contreras  
Sergio Contreras, Secretary