

**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**

**June 21, 2022**

**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, June 21, 2022 at 5:33 P.M.

**BOARD MEMBERS PRESENT:**

Tyler Diep (via teleconference in @ 5:36 p.m.)  
Sergio Contreras  
Chi Charlie Nguyen (via teleconference)  
Andrew Nguyen  
Mark Nguyen

**OTHERS AT MEETING:**

Ken Robbins, General Manager (via teleconference)  
Robert Housley, Finance/HR Director  
James Eggart, General Counsel  
Danielle Gerardo, Executive Board Secretary  
Cynthia Olsder, Administrative Secretary  
Habib Isaac, IB Consulting  
Ashton Kauwe, Resident  
Socorio Puebla, Resident

**PLEDGE AND INVOCATION**

Director M. Nguyen led the Pledge of Allegiance. Finance/HR Director R. Housley gave the Invocation.

**PUBLIC COMMENTS**

None

Director T. Diep arrived at 5:36 p.m.

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JUNE 7, 2022**  
**(Roll Call Vote)**

A motion was made by Director M. Nguyen seconded by Director C. Nguyen to approve the minutes of the regular meeting of June 7, 2022. The motion was approved by the following 5-0 roll call vote:

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

**APPROVAL OF EXPENDITURES** **(Roll Call Vote)**

A. Demands in the amount of \$ 596,342.68

#	CK #	Date	AMOUNT	VENDOR CHECKS:	MEMO:
1	13774	6/3	9.38	UniFirst Corporation	Employee uniform & laundry services
2	13775	6/3	792.00	CRC Cloud	Monthly maintenance & Support
3	13776	6/3	3,094.46	Daniels Tire Service	Restock tires for solid waste
4	13777	6/3	3,238.00	Dntech	SB1383 commercial mailer in three languages
5	13778	6/3	510.00	Four Pals, Inc.	Five year inspection on fire sprinkler lines
6	13779	6/3	1,185.29	Frontier Communications	District office phones & lift stations
7	13780	6/3	6,577.43	Motion and Flow Control Products, Inc.	Fittings for solid waste trucks
8	13781	6/3	25,866.10	Orange County Sanitation District	Permit Fees Jun-2022
9	13782	6/3	57.00	Paychex - Employee Screening	Employee screening services
10	13783	6/3	10,998.50	PumpMan	Lift Stations Sewer Pump Preventative Maintenance 4th Qtr
11	13784	6/3	300.00	Streamline	Website monthly member fee
12	13785	6/3	295.93	Tesco Controls, Inc.	Service and repairs for brookhurst lift station
13	13786	6/3	1,531.46	UniFirst Corporation	Employee uniform & laundry services
14	13787	6/8	225.00	Ayala's Car Wash	Solid waste trucks fleet wash
15	13788	6/8	1,035.99	Chevron Texaco (Wex Bank)	Fuel for Jun-2022
16	13789	6/8	1,821.47	Chi Charlie Nguyen	Travel and Expense Reimbursement
17	13790	6/8	184.48	City of Westminster-Water Billing	District Offices 04/06 - 05/31
18	13791	6/8	3,101.13	Clean Energy	CNG Station site inspection
19	13792	6/8	3,095.02	Daniels Tire Service	Restock tires for solid waste
20	13793	6/8	549.00	Frog Environmental	MCSO Facility industrial storm water monitoring
21	13794	6/8	1,441.69	Grainger	Grease pump for shop
22	13795	6/8	728.32	Haaker Equipment Co.	Repairs for NG-12 Sewer Maint.
23	13796	6/8	32.57	Hose-Man, Inc.	Hydraulic hose with fittings
24	13797	6/8	1,725.00	Me Viet Nam Productions	30 Minute Talk Show 03/13, 03/20 & 03/27
25	13798	6/8	804.23	Merchants Building Maintenance, LLC	Monthly janitorial service Jun-2022
26	13799	6/8	179.42	Motion and Flow Control Products, Inc.	Fittings for solid waste trucks
27	13800	6/8	420.90	NVB Equipment, Inc.	A/C service NG-2 for solid waste truck
28	13801	6/8	189.03	Staples Business Credit	Restock Office supplies for May-2022
29	13802	6/8	239.77	UniFirst Corporation	Employee uniform & laundry services
30	13803	6/8	10,144.54	US Bank Corporate Payment System	District credit cards
31	13804	6/8	1,000.00	SDRMA - Claims	Deductible for 11/22/2021 Claim
32			<b>\$ 81,373.11</b>	<b>CHECKS SUBTOTAL</b>	
33					
34				<b>PAYROLL:</b>	<b>MEMO</b>
36	ACH	6/15	\$ 74,154.78	<b>Paychex</b>	Employee Payroll - Checks, Taxes, & Direct Deposits
37	ACH	6/15	\$ 7,087.99	<b>Nationwide Retirement Solutions</b>	457 Deferred Compensation (Employees)
38			<b>\$ 81,242.77</b>	<b>ACH TRANSFERS SUBTOTAL</b>	

39					
40				<b>ACH PAYMENTS:</b>	<b>MEMO</b>
41	ACH	6/8	\$ 500,000.00	CalPERS	Contribution for CEPPT 115 Trust Account
42	ACH	6/15	\$ 15,448.44	CalPERS	Retirement Contributions for 05/30 - 06/12/22
43			<b>\$ 515,448.44</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
44					
45			<b>\$ 678,064.32</b>	<b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b>	
46					
47				<b>BANK TRANSFERS:</b>	
48	UB	6/8	\$ 500,000.00	Transfer Funds from LAIF to Union Bank Checking	
49			<b>\$ 500,000.00</b>	<b>BANK TRANSFERS</b>	

A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to approve the expenditures in the amount of \$ 596,342.68. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

## REPORTS

### Report of President

President A. Nguyen reported that he attended the Clean-up event and the Me Vietnam Radio recording to promote SB 1383. President A. Nguyen thanked staff for coordinating both of the events.

### Report of General Manager

GM K. Robbins reported that the District's 3<sup>rd</sup> Clean-up event was a success and he reminded the Board that the next Clean-up event would be at Russell Paris Park on August 13, 2022.

GM K. Robbins reported that the solid waste rate in 2011 was projected to be \$20.55 per month. The new projection is \$17.82 due to cost saving efforts by the District over the past 10-11 years.

### Report from Orange County Sanitation District Meeting on June 8 & June 22, 2022

President A. Nguyen reported that OCSD had another budget discussion. OCSD also discussed about the rising cost of everything due to inflation, causing change orders to the construction.

### Report from Me Vietnam Radio Outreach on June 6, 2022

Director T. Diep and President A. Nguyen attended the radio recording. Director T. Diep reported that there was a 15-minute recording done that was aired four times.

## **Report from VietLink Radio Outreach on June 16, 2022**

Director M. Nguyen and Director C. Nguyen along with Mike Carey from CR&R attended and spoke about the organics program and the June 18 Clean-up event. Director C. Nguyen reported that there was a 30-minute recording done that was aired twice.

## **Report from the Clean-Up Event at Park West Park on June 18, 2022**

President A. Nguyen, Director M. Nguyen, Director C. Nguyen and Director T. Diep attended the event. President A. Nguyen reported that it was another successful clean-up event and that the residents who came were very happy.

## **CONSENT CALENDAR**

*(Roll Call Vote)*

- A. Approve and File the Treasurer's Investment Report for May 2022
- B. Approve the Transferring and Reallocating of Funds into the Midway City Sanitary District's Reserve and Investment Accounts

A motion was made by Director T. Diep, 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**

None

## **NEW BUSINESS**

- A. Public Hearing to consider Adoption of Ordinances Nos. 72 and 73 Establishing Sewer and Solid Waste User Fees Rate Adjustments *(Roll Call Vote)*

A report of a summary of Staff's recommendation was provided and considered by the Board and General Counsel J. Eggart read the title of the Ordinances Nos. 72 and 73. President A. Nguyen opened the public hearing.

Mrs. Socorio Puebla, a resident of the District, asked for clarification of the Ordinances and rate adjustment. Finance/HR Director, R. Housley, provided her with that. General Council J. Eggart stated that the District currently charges \$177.00 per year for solid waste and \$87.00 per year for sewer service. The new rate for solid waste will increase to \$189.99 per year and \$97.48 per year for sewer service starting July 01, 2022.

Finance/HR Director, R. Housley stated for the record that there was a total of 13 written protests received by the District and that this did not constitute a majority protest.

President A. 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 T. Diep, seconded by President A. Nguyen, to approve the Adoption of Ordinance Nos. 72 adjusting user fee rates for the Sanitary Sewer Services. The motion was approved by the following 4-1 roll call vote:

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

NAYS: C. Nguyen

ASTAIN:

ABSENT:

A motion was made by Director T. Diep, seconded by President A. Nguyen, to approve the Adoption of Ordinance Nos. 73 adjusting user fee rates for residential solid waste services. The motion was approved by the following 4-1 roll call vote:

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

NAYS: C. Nguyen

ASTAIN:

ABSENT:

- B. PUBLIC HEARING AND ADOPTION OF RESOLUTION NO 2022-15 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING A REPORT ON SPECIAL USER FEES PURSUANT TO SPECIAL USAGE PERMIT AGREEMENT AND COVENANT DOCUMENTS AND DIRECTING THE COUNTY AUDITOR TO ADD SUCH SPECIAL USAGE CHARGES TO THE JULY 1, 2022 THROUGH JUNE 30, 2023 SECURED TAX ROLL PURSUANT TO ORDINANCE NO. 26 **(Roll Call Vote)**

President A. Nguyen read the title of Resolution No 2022-15 and opened the public hearing.

There were no public comments.

President A. 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 President A. Nguyen, seconded by Director T. Diep, to approve adoption of Resolution No. 2022-15. The motion was approved by the following 4-1 roll call vote:

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

NAYS: C. Nguyen

ASTAIN:

ABSENT:

C. PUBLIC HEARING AND ADOPTION OF RESOLUTION NO 2022-16 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, 2022 THROUGH JUNE 30, 2023 SECURED TAX ROLL PURSUANT TO ORDINANCE NO. 72 AND ORDINANCE NO.73  
**(Roll Call Vote)**

President A. Nguyen read the title of Resolution No 2022-16 and opened the public hearing.

There were no public comments.

President A. 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 President A. Nguyen, seconded by Director T. Diep, to approve adoption of Resolution No. 2022-16. The motion was approved by the following 4-1 roll call vote:

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

NAYS: C. Nguyen

ASTAIN:

ABSENT:

D. Approve the Engagement Letters between Midway City Sanitary District and CliftonLarsonAllen LLP to Perform Independent Audit Services for Fiscal Year 2022-2023  
**(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 S. Contreras, seconded by Director T. Diep, to approve the agreement for independent audit services by CliftonLarsonAllen LLP for fiscal year 2022-2023. Gross fees for services and materials will not exceed \$19,490.00. The motion was approved by the following 4-1 roll call vote:

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

NAYS: C. Nguyen

ASTAIN:

ABSENT:

**INFORMATIONAL ITEMS**

None

**BOARD CONCERNS/COMMENTS**

None

## **GM/STAFF CONCERNS/COMMENT**

GM K. Robbins thanked the Board for support.

Finance/HR Director, R. Housley stated that Rengel Architects did a walk-thru with some contractors today and he reminded the Board that the Health Reimbursement Arrangement (HRA) insurance would start on July 1, 2022.

## **GENERAL COUNSEL CONCERNS/COMMENTS**

General Counsel J. Eggart thanked the Board for adjourning the last Board meeting in memory of his brother.

## **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, July 5, 2022 at 5:30 P.M. at the District office at approximately 6:16 P.M.

Sergio Contreras  
Sergio Contreras, Secretary