

**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**

February 15, 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, February 15, 2022 at 5:31 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep (arrived @ 5:34 PM)
Sergio Contreras
Chi Charlie Nguyen
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
Cynthia Oldster, MCSD Receptionist
Mike Carey, CR&R
Ashton Kauwe, Resident

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF FEB. 1, 2022

(Roll Call Vote)

A motion was made by President A. Nguyen, seconded by Director M. Nguyen, to approve the minutes of the regular meeting of February 1, 2022. 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

(Roll Call Vote)

A. Demands in the amount of \$ 195,998.97

#	CK #	Date	AMOUNT	VENDOR CHECKS:	MEMO:
1	13469	1/27	\$ 396.59	AT&T	Brookhurst Lift Station phone & internet
2	13470	1/27	\$ 1,185.60	Frontier Communications	District office phones & lift stations
3	13471	1/27	\$ 2,008.80	HB Staffing	Temp services
4	13472	1/27	\$ 33.90	LegalShield	Prepaid legal & theft svcs. Jan 2022 (employee paid)
5	13473	1/27	\$ 686.00	Rutan & Tucker, LLP	Legal services Jan 2022
6	13474	1/27	\$ 4,443.52	SDRMA - Employee Benefits	Dental and Vision benefits Jan 2022
7	13475	1/27	\$ 6,030.68	Southern California Edison	District Offices, CNG station and Lift stations
8	13476	1/27	\$ 80.02	Time Warner Cable	Tv service
9	13477	1/27	\$ 1,225.52	Standard Insurance Company Life	Life Insurance & AD&D Premium Coverage
10	13478	1/28	\$ 12,714.59	Dtntech	Open House invite mailer 02/12/22
11	13479	2/1	\$ 725.00	Ayala's Car Wash	Fleet vehicle wash 01/25/22 and 01/31/22
12	13480	2/1	\$ 3,804.12	Bodyworks Equipment, Inc.	Restock Heil parts for solid waste trucks
13	13481	2/1	\$ 720.80	Cintas	Employee uniform services
14	13482	2/1	\$ 2,423.43	Clean Energy	CNG Station site inspection
15	13483	2/1	\$ 1,060.00	Clifton Larson Allen, LLP	FYE 06/30/2021 Submit SCO financial transaction report
16	13484	2/1	\$ 62.00	County of Orange Treasurer-Tax Collector	Emergency radio in copier room 01/01-03/31/2022
17	13485	2/1	\$ 1,434.00	CRC Cloud	MS office laptop for extra work station and maint. & support Feb 2022
18	13486	2/1	\$ 650.52	Hilco Fastener Warehouse Inc.	Restock bolts for solid waste trucks
19	13487	2/1	\$ 1,752.90	Los Angeles Freightliner	Repairs to NG-1 for solid waste
20	13488	2/1	\$ 69.00	Paychex - Employee Screening	Pre-employment employee screening services
21	13489	2/1	\$ 7,088.58	SCI Consulting Group	2nd half annual admin & levy services fee FY 21-22
22	13490	2/1	\$ 151.82	Snap-On Tools	Little sockets tools for Shop use
23	13491	2/1	\$ 935.34	SoCal Auto & Truck Parts, Inc.	Replacement batteries for rotary list for Shop use
24	13492	2/1	\$ 300.00	Streamline	Website monthly member fee Feb 2022
25	13493	2/1	\$ 479.02	TrucPar Company	Restock parts for solid waste trucks
26	13494	2/1	\$ 23.20	Underground Service Alert	(8) New tickets for Jan-2022 & monthly fee
27	13495	2/1	\$ 1,890.00	VNCR - Viet-Nam California Radio	Talk show: 25 minutes/time total (6) Runs 01/19 - 02/01/22
28	13496	2/1	\$ 20,896.08	TEC of California, Inc.	Restock parts for solid waste trucks
29	13497	2/3	\$ 9,000.00	Brodard Chateau, Inc.	Open house food 02/12/22
30	13498	2/3	\$ 5,920.00	IB Consulting, LLC	Consulting survey's - rate survey and board PPT
31	13499	2/3	\$ 500.00	Michele Milan Lu	Open house balloon artist Feb 2022
32	13500	2/3	\$ 1,000.00	SDRMA - Property/Liability	Deductible for 11/27/21 accident claim
33	13501	2/3	\$ 2,250.00	Soto Entertainment Group	Open house band Feb 2022
34	13502	2/3	\$ 1,000.00	Thien An Performing Arts	Open house lion dance and drumming
35			\$ 92,941.03	CHECKS SUBTOTAL	
36					
37				PAYROLL:	MEMO
38	ACH	1/26	\$ 6,289.34	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
39	ACH	2/4	\$ 7,269.06	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
40	ACH	2/4	\$ 788.50	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
41	ACH	2/9	\$ 81,397.13	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
42	ACH	2/9	\$ 6,111.38	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
43			\$ 87,508.51	ACH TRANSFERS SUBTOTAL	
44					
45				ACH PAYMENTS:	MEMO
46	ACH	2/9	\$ 15,549.43	CalPERS	Retirement Contributions for 01/24-02/06/22
47			\$ 15,549.43	ACH TRANSFERS SUBTOTAL	
48					
49			\$ 195,998.97	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	

A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to approve the expenditures in the amount of \$195,998.97. 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

President A. Nguyen stated that he was happy to celebrate the Lunar New Year and enjoyed attending the District's Open House. He thanked staff for helping to make it go smoothly.

Report of General Manager

GM K. Robbins reported that CR&R is able to provide the District with bins for the April 30, 2022 Clean-Up event at Park West Park in Midway City.

GM K. Robbins stated that he would be taking a vacation the week of April 18-22, 2022.

GM K. Robbins reminded the Board that the District would be observing Presidents' Day on Monday, February 21, 2022 and that there would be a one-day delay in solid waste service all week.

GM K. Robbins reported that Assemblywoman Janet Nguyen asked the District to provide three projects to be submitted for the Assembly Budget Committee to consider for possible funding. The District submitted several projects – solar energy and future electric solid waste trucks, totaling approximately \$950,000, another for a few extra solid waste trucks due to the number of vehicles on the streets for approximately \$750,000, and one for technology upgrades to comply with SB 1383 monitoring, auditing and reporting for approximately \$ 200,000.

GM K. Robbins stated that he would like to table agenda Item 9A, which is to promote one District employee to mechanic but, because there are two people being considered, and one of them is also being considered for the Lead Solid Waste position, each of them are going to be put into that position for two weeks to see how they do in order to help make a decision.

Report from Orange County Sanitation District Meeting on Feb. 9, 2022

President A. Nguyen reported that the Board received an update on OC San's \$500 million budget and that there would be a \$4.00 increase to each household they provide service to.

Report from CR&R – 4th Quarter 2021 Tonnage and SB 1383 Compliance

Mike Carey from CR&R gave a 4th quarter report stating that the tonnage for the 4th quarter was at 47% and 51% overall for 2021. He stated that CR&R is in the process of interviewing to hire a full time coordinator for the District in order to assist with its compliance of SB 1383.

Director C. Nguyen asked how CR&R is helping the District with compliance of SB1383.

Mike Carey stated that they had not been able to do anything for a couple of months but are working to hire a team specifically for that, and he anticipates full compliance by fall of 2022.

GM K. Robbins stated that compliance with SB 1383 for commercial properties will help to bring the District's overall tonnage numbers up.

Director C. Nguyen asked about the number of complaints received.

Mike Carey stated that the number of complaints within the District had gone down dramatically.

Director C. Nguyen asked about the complaints he is receiving from Moran Street.

GM K. Robbins stated that there was a complaint regarding service on New Year's Day and another regarding being blocked on their service day.

Mike Carey stated that he would look into the Moran Street complaint and report back.

Report from the Open House Committee Meeting on Feb. 2 & 10, 2022

President A. Nguyen stated that he and Director T. Diep were able to taste some options for the food prior to ordering for the Open House.

Report from the MCSD Luncheon on Feb. 3, 2022

Director C. Nguyen stated that he was there but was not able to meet retiring Lead Solid Waste Driver, David Hernandez.

Director S. Contreras stated that he was sorry he missed it.

Report from the TET Parade on Feb. 5, 2022

President A. Nguyen reported that he and Directors C. Nguyen and M. Nguyen all participated in the TET Parade, and were happy with their placement in the parade.

Report from the FaceBook Video on Feb. 8, 2022

Director S. Contreras stated that the script was helpful and that Tristan, who took the video, was patient and supportive.

Director M. Nguyen stated that it was good follow up information from the last video.

Report from the MCSD Open House on Feb. 12, 2022

Director S. Contreras stated that it was a great event, with a great turn out and good food and he thanked the Committee, the General Manager and the MCSD team for all their efforts.

Director T. Diep stated that it was a good event but that it should probably be shorter in the future.

Director M. Nguyen stated that it was a great event and that his kids didn't want to leave.

CONSENT CALENDAR

(Roll Call Vote)

- A. Approve and File the Treasurer's Investment Report for January 2022
- B. Approve Fiscal Year 2021-2022 Budget Adjustments No. 2
- C. Approval to Upgrade Allen Bradley Panel View Plus 6AC Power Logic Modules with 80 MB Memory Storage at All 4 (Four) Lift Stations by TESCO Controls for \$21,145

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 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. Consider Approval to Add a Fourth Mechanic to the District's Fleet Maintenance Department *(Roll Call Vote)*

GM K. Robbins asked that this item be removed from consideration at this time and indicated it would be brought back in the future for consideration. The Board took no action.

- B. Consider Offering a Health Reimbursement Arrangement (HRA) Benefit to Non-Represented Employees and Board Members *(Roll Call Vote)*

Finance/HR Director R. Housley explained that an HRA benefit plan would act as a supplement to the District's CalPERS insurance. He stated that the District needs to stay appealing to potential future employees with regard to benefits offered and that this might be an option. He stated that the District would use Shuster Advisory Group for this and that this was on the agenda to see if there was an interest.

Director S. Contreras clarified that this was for non-represented employees only at this time, and stated that the last negotiations for the MOU were contentious with regard to medical benefits.

General Counsel, J. Eggart stated that in order to offer it to represented employees, the District would need to go through the meet and confer process in order to amend the MOU.

Director S. Contreras stated that this could be offered to represented employees at a later time.

Finance/HR Director R. Housley clarified that this does not fall under the District's Other Post-Employment Benefits (OPEB).

A motion was made by Director T. Diep, seconded by President A. Nguyen, to direct staff to bring back a more detailed and concrete proposal to offer health reimbursement arrangement (HRA) benefit to non-represented employees and Board members. 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

- A. California Special Districts Association (CSDA) Board of Directors Call for Nominations – Seat B

Receive and file.

BOARD CONCERNS/COMMENTS

Director M. Nguyen thanked GM K. Robbins for helping to get the Board a good position in the TET parade.

Director S. Contreras thanked GM K. Robbins, the Committee and staff for all their work with the Open House.

Director C. Nguyen also thanked GM K. Robbins and staff, and asked whether solar panels were a possible option for the District's lift stations.

GM K. Robbins responded that there was not enough of a footprint to do it because they are too close to residential homes.

Director S. Contreras asked GM K. Robbins if the District had received any IT proposals for the District's new phone system yet

GM K. Robbins stated that he was putting something together but that it would be subject to prevailing wage.

Director T. Diep thanked GM K. Robbins, Finance/HR Director R. Housley and General Counsel J. Eggart for coming to the Open House. He also thanked Finance/HR Director R. Housley for putting together the staff report for an HRA account that was provided to the Board.

President A. Nguyen thanked resident Ashton Kauwe and receptionist Cynthia Oldster for attending.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins thanked everyone for their help with the Open House, He stated that the City would probably be doing a spring or summer festival that the District could attend since the District would probably be under construction.

Finance/HR Director R. Housley stated that he provided the Board with an article from CalPERS regarding investments, that the District had procured Covid rapid tests for employees and Board Members, and that Governor Newsom signed into law the new supplemental paid sick leave requirement benefit for COVID, which is retroactive to January 1, 2022. He also stated that he printed out a weekly by-the-numbers sheet from Shuster Advisory Group for the Board’s information.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel, J. Eggart thanked the Board for inviting him to the District’s Open House and stated that it was well done.

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 a special meeting of the Board on Tuesday, February 22, 2022 at 5:30 P.M. at the District office at approximately 6:27 P.M.

Sergio Contreras
Sergio Contreras, Secretary