

**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 1, 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 1, 2022 at 5:30 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep
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
Yousef & Mike, CRC Cloud

PLEDGE AND INVOCATION

President A. Nguyen asked that the meeting be dedicated to Director M. Nguyen's mother, Kimanh Huynh who had passed away.

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

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JAN. 18, 2022
(Roll Call Vote)

A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to approve the minutes of the regular meeting of January 18, 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 \$ 111,322.09

| # | CK # | Date | AMOUNT | VENDOR CHECKS: | MEMO: |
|----|-------|------|---------------|--|--|
| 1 | 13451 | 1/18 | \$ 377.71 | Nghia Huu Huynh | Solid Waste truck driver broke a vehicle mirror 12/29/22 |
| 2 | 13452 | 1/18 | \$ 94.63 | AT&T Mobility | Cell phone service |
| 3 | 13453 | 1/18 | \$ 360.40 | Cintas | Employee uniform services for 01/13/22 |
| 4 | 13454 | 1/18 | \$ 1,551.53 | Daniel's Tire Service | Restock tires for solid waste |
| 5 | 13455 | 1/18 | \$ 119.00 | Remington Pure | Water filtration service |
| 6 | 13456 | 1/18 | \$ 219.79 | SoCalGas | District Offices Jan-2022 |
| 7 | 13457 | 1/18 | \$ 954.82 | Verizon | SCADA Jan-2022 |
| 8 | 13458 | 1/19 | \$ 115.39 | Petty Cash-Ken Robbins | Jan-2022 Petty Cash |
| 9 | 13459 | 1/19 | \$ 525.00 | Ayala's Car Wash | Fleet vehicle wash 01/17/22 |
| 10 | 13460 | 1/19 | \$ 84.94 | City of Westminster | Hydrant water service 12/16/21 - 01/14/22 |
| 11 | 13461 | 1/19 | \$ 1,330.88 | Daniel's Tire Service | Restock tires for solid waste |
| 12 | 13462 | 1/19 | \$ 121.56 | Hose-Man | Replacement parts for NG-1 for solid waste trucks |
| 13 | 13463 | 1/19 | \$ 2,210.60 | Jaycox Construction CNG | Replacement & stock CNG hoses for solid waste trucks |
| 14 | 13464 | 1/19 | \$ 804.23 | Merchants Building Maintenance, LLC | Monthly janitorial service Jan-2022 |
| 15 | 13465 | 1/19 | \$ 500.04 | Purchase Power | Postage Jan-2022 |
| 16 | 13466 | 1/19 | \$ 1,349.00 | Time Warner Cable | Television service |
| 17 | 13467 | 1/19 | \$ 380.00 | Westminster Herald | Advertise for MCSD Ord No. 71 |
| 18 | 13468 | 1/19 | \$ 5,985.30 | Woodruff, Spradlin & Smart | Legal Services Dec-2021 |
| 19 | | | \$ 17,084.82 | CHECKS SUBTOTAL | |
| 20 | | | | | |
| 21 | | | | PAYROLL: | MEMO |
| 22 | ACH | 1/26 | \$ 72,017.78 | Paychex | Employee Payroll - Checks, Taxes, & Direct Deposits |
| 23 | ACH | 1/26 | \$ 6,289.34 | Nationwide Retirement Solutions | 457 Deferred Compensation (100% paid by employees) |
| 24 | | | \$ 78,307.12 | ACH TRANSFERS SUBTOTAL | |
| 25 | | | | | |
| 26 | | | | ACH PAYMENTS: | MEMO |
| 27 | ACH | 1/20 | \$ 306.59 | Paychex | Time & Attendance Sep-2021 |
| 28 | ACH | 1/26 | \$ 15,930.15 | CalPERS | Retirement Contributions for 01/10 - 01/23/22 |
| 29 | ACH | 2/1 | \$ 60,538.56 | CalPERS | Active Employee and Retiree Health Ins Premiums Feb-2022 |
| 30 | ACH | 2/1 | \$ 4,765.73 | Nationwide Retirement Solutions | Board of Directors Health Insurance Premiums Feb-2022 |
| 31 | | | \$ 15,930.15 | ACH TRANSFERS SUBTOTAL | |
| 32 | | | | | |
| 33 | | | \$ 111,322.09 | TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS) | |
| 34 | | | | | |
| 35 | | | | BANK TRANSFERS: | |
| 36 | UB | 1/20 | \$ 393,670.77 | Transfer Funds from UB Money Market to UB Checking | |
| 37 | | | \$ 393,670.77 | BANK TRANSFERS | |

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve the expenditures in the amount of \$111,322.09. 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 sorry to hear of the passing of Director M. Nguyen's mother.

Report of General Manager

GM K. Robbins reported that it was the last week for the District's Lead Solid Waste Driver, David Hernandez and reminded them of the luncheon in his honor on Thursday, February 3, 2022.

GM K. Robbins reported that the magnetic signs for the Board of Director's vehicles for the TET parade were ready for them to take and that there would be a parade kickoff meeting of the TET Parade organizers on Wednesday February 2.

GM K. Robbins stated that it was an even year and if they heard rumbling it's because every two years the City makes requests that the District patrol and pick up abandoned items. He is expecting the same this year, but that the answer will still be no. The District has gone through LAFCO to ask about taking it over and cannot because it does not have the authority, like the City.

He stated that CRC, the District's IT department since 2008, was at the meeting to give a presentation to the Board in order to explain the proposed VOIP phone system.

Report from Orange County Sanitation District Meeting on Jan. 26, 2022

President A. Nguyen reported that OC San is developing a training program to be offered to all member agencies and if anyone is interested information can be found on their website. They are working to be compliant with regard to SB 1383 and their biosolids, and are doing similar outreach as MCSD. He reported that there is another sewer project within the City at Bolsa Chica/Rancho Road/Westminster Blvd.

Report from the Outreach Committee Meeting for Open House on Jan. 25, 2022

President A. Nguyen, Director T. Diep and GM K. Robbins reported that everything is prepared and ready to go for the Open House.

GM K. Robbins stated that there is an item on the agenda to discuss it further.

Report from the ISDOC Quarterly Meeting on Jan. 27, 2022

All Board members attended the ISDOC meeting and everyone had trouble with the reception.

Director T. Diep asked staff to suggest to them that they go back to in-person meetings due to the bad reception.

Report from the VietLink Radio Outreach on Jan. 28, 2022

Directors C. Nguyen and M. Nguyen, GM K. Robbins and Mike from CR&R went on the radio to discuss SB1383 organics recycling.

Director M. Nguyen reported that they discussed the business portion of business with CR&R, the bulky pickup service and the Helping Hands Program.

CONSENT CALENDAR

(Roll Call Vote)

- A. Receive and File the California Employers' Retiree Benefit Trust (CERBT) Program Financial Statement for the Quarter Ended December 31, 2021
- B. Receive and File the California Employers' Pension Prefunding Trust (CEPPT) Program Financial Statement for the Quarter Ended December 31, 2021
- C. Approve the 2nd Quarter Fiscal Year 2021-2022 Financial Reports and Budget Review
- D. Approval of 2022 Clean-Up Event Schedule

Director T. Diep asked to pull Item 7D and move the rest of the Consent Calendar.

A motion was made by Director T. Diep, seconded by Director C. Nguyen, to pull item 7D in order to discuss it further and approve Items 7A, 7B and 7C on 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:

Director T. Diep stated that the reason he pulled Item 7D was because he wanted to see if staff would consider adding an additional clean-up event at Park West Park in Midway City to the schedule.

Discussion ensued regarding when to schedule the event.

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the 2022 Clean-up event schedule as recommended by staff with the addition of a clean-up event sometime in April, 2022 at Park West Park in Midway City. 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. Discussion and Consideration of Holding the Midway City Sanitary District Open House on Saturday, February 12, 2022 in Light of the Current Health Crisis
(Roll Call Vote)

Director S. Contreras stated that, to his knowledge, the mailer was already scheduled to go out in the next day or so.

Director C. Nguyen stated his concerns over having the event due to COVID and asked if the mailer could be stopped.

GM K. Robbins stated that it could but that there was a timing issue and the numbers of the COVID variant were going down.

Director C. Nguyen stated that he had concerns with having the Open House due to COVID and was hesitant to have the event and that he felt the District should postpone the event. He stated that he knew several people who got COVID and died from COVID and was worried.

Director S. Contreras stated that he understood Director C. Nguyen’s concerns but that it would be an outdoor event with masks required and if the District takes all precautions necessary he would support moving forward.

GM K. Robbins stated that the District would have 1,500 masks, hand sanitizer and wipes, the food would be prepackaged and not buffet style and it would take place outdoors.

Discussion ensued.

GM K. Robbins stated that the invitations were being printed and would be going out in the next day or so. If the Board chose to postpone the event, the printing cost of the mailer would be the only cost the District would not be able to recover as there were no deposits given for the food and entertainment.

A motion was made by President A. Nguyen, seconded by Director T. Diep, to move forward with the District’s Open House on Saturday, February 12, 2022. The motion was approved by the following 4-0-1 roll call vote:

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

NEW BUSINESS

A. Presentation from CRC Cloud for Voice Over IP Phone System, Cloud Based Computing and Camera System for the Midway City Sanitary District **(Roll Call Vote)**

Yousef Alinaghian and Mike Parker from CRC Cloud, who have provided the District with its monthly IT service since 2008, gave a presentation to the Board for new VOIP phones, internet and cameras.

Discussion ensued.

Director T. Diep clarified the total monthly cost of approximately \$4,800, what was included in the bid and suggested that staff put out an informal RFP for comparisons due to the sizeable amount.

General Counsel, J. Eggart stated that no formal RFP was necessary under the District’s purchasing policy since the amount is under \$125,000.

Director S. Contreras stated that it was necessary for the District to do its due diligence and be fiscally responsible.

A motion was made by Director T. Diep, seconded by Director C. Nguyen, to direct the General Manager to explore and solicit options for providing the District with a VOIP phone system and security cameras and bring them back to the Board for consideration. 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. RESOLUTION NO. 2022-04 **(Roll Call Vote)**

A RESOLUTION NO. 2202-04 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ESTABLISHING A POLICY APPLICABLE TO DISTRICT DEPOSITS AND INVESTED FUNDS

A motion was made by Director C. Nguyen, seconded by Director T. Diep to approve adoption of Resolution No. 2022-04 establishing a policy applicable to District deposits and invested funds. 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:

C. RESOLUTION NO. 2022-05

(Roll Call Vote)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING THE ANNUAL INVESTMENT POLICY FOR FISCAL YEAR 2022-2023 (JULY 1, 2022 THROUGH JUNE 30, 2023)

A motion was made by Director S. Contreras, seconded by President A. Nguyen, to approve adoption of Resolution No. 2022-05 approving the annual investment policy for fiscal year 2022-2023 (July 1, 2022 through June 30, 2023). 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. RESOLUTION NO. 2022-06

(Roll Call Vote)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, MAKING SPECIFIC FINDINGS AND RE-AUTHORIZING THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 AND GOVERNMENT CODE SECTION 54953 (e) FOR MEETINGS 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. 2022-06. 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. Update on Midway City Sanitary District Residential Cart Audit Program

(Roll Call Vote)

Director T. Diep stated that the General Manager should schedule a Facebook video with an updated verbal report of the District's residential cart audit program with Directors S. Contreras and M. Nguyen.

A motion was made by Director C. Nguyen, seconded by Director T. Diep, to receive and file. 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:

F. Discussion and Consideration of Donating Service by the Midway City Sanitary District to the 2022 TET Parade Organizers on Saturday, February 5, 2022
(Roll Call Vote)

There was discussion regarding the District's service for and placement in the TET Parade and who would attend the pre-parade meeting on Wednesday, February 2, 2022.

GM K. Robbins stated that he would attend the meeting on Wednesday, February 2, 2022 in order to voice the Board's thoughts.

A motion was made by Director T. Diep, seconded by Director S. Contreras, to direct staff to pay the \$760 for the Board to be in the parade, but to ask for better placement and if granted to waive the \$3,700 solid waste service fee, but if not granted, to charge the committee for solid waste service. 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:

G. Consider Attendance at the 2022 Waste Expo Being Held at the Las Vegas Convention Center in Las Vegas, Nevada May 9-12, 2022
(Roll Call Vote)

A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to approve attendance for the Board and staff to attend the 2022 Waste Expo in Las Vegas, NV May 9-12, 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:

INFORMATIONAL ITEMS

- A. Special Districts Risk Management Authority (SDRMA) 2022-23 Property/Liability Early Budget Estimates
- B. Special Districts Risk Management Authority (SDRMA) 2022-23 Workers' Compensation Experience Modification Factor

Receive and file.

BOARD CONCERNS/COMMENTS

Director M. Nguyen thanked everyone for their kindness and condolences with regard to his mom's unexpected passing.

Director C. Nguyen asked about a service for Director M. Nguyen's mother and whether the District was doing anything.

GM K. Robbins stated that the District would be sending an Edible Arrangement and flowers to the service once a date was finalized.

Director M. Nguyen stated that there would be a service for his mother at the end of February.

Director C. Nguyen asked for an update on the program for the District's Open House on Saturday, February 12th.

GM K. Robbins stated that the dragon and drum line dance would start the event at 10 AM and then there would be two different entertainers, food from Brodard's, and dedicated staff from the District giving information regarding what goes into which container.

Director C. Nguyen asked staff what the timeline was for the bids for the District's remodel project, stated his concern with the amount of time for bids and whether the bids were to be on the next agenda for the Board's consideration.

GM K. Robbins stated that there were 7 (seven) contractors that came to the District for a walk-through, that he was hoping for all 7 (seven) to do bids and that the bids were due on February 16, 2022.

Discussion ensued regarding possibly extending the RFP deadline for bids in response to new information and what was necessary in order to walk this item onto the agenda.

General Counsel Eggart advised the Board that, in order to add a non-agenda item to the agenda, at least two-thirds of the Board Members must determine that there is a need for immediate action and the need to take action came to the attention of the District subsequent to the agenda being posted.

Consideration of Adding item to the Agenda

A motion was made by Director C. Nguyen, seconded by Director M. Nguyen to find that there was a need to take immediate action and the need for action came to the attention of the District subsequent to the Agenda being posted and to therefore add to the Agenda an item for consideration of extending the deadline to respond to the request for bids for the District headquarters remodel. 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:

Consideration of Extending Date for Bidders to Respond to Request for Bids for District Remodel Project

Discussion ensued regarding the adequate amount of time needed in order to receive enough bids for the District's remodel and coordinating with the architects for the bid openings.

A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to extend the deadline for bidders to respond to the Request for Bids for the MCSD remodel project to a date determined by the General Manager in the the 2nd week in March, 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:

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that he would attend the TET committee meeting on Wednesday, February 2, 2022 regarding the Board's placement in the parade and thanked the Board for their direction.

Finance/HR Director R. Housley stated that the District had ordered 300 rapid COVID tests and would keep the Board updated on when those arrive. He stated that he would also keep the Board updated on whether Governor Newsom was possibly bringing back COVID supplemental sick leave. He also advised the Board that District employee Leanne Luu had her baby girl early and was doing well.

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 A. Nguyen adjourned the meeting to Tuesday, February 15, 2022 at 5:30 P.M. at the District office at approximately 8:14 P.M.

Sergio Contreras
Sergio Contreras, Secretary