

**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 2, 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 2, 2021 at 5:34 P.M.

**BOARD MEMBERS PRESENT:**

Tyler Diep  
Sergio Contreras  
Chi Charlie Nguyen (5:37 arrival)  
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  
Leanne Luu, Admin. Sec./HR Coordinator  
Gregory Karapoulous, CR&R

**PLEDGE AND INVOCATION**

Director M. Nguyen led the Pledge of Allegiance. Director S. Contreras gave the Invocation.

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF OCT. 19, 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 October 19, 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 \$ 194,464.50

#	CK #	Date	AMOUNT	VENDOR	
				<b>CHECKS:</b>	<b>MEMO:</b>
1	13211	10/20	\$ 1,800.00	<b>Nancy Huang</b>	Residential lateral assistance program
2	13212	10/20	\$ 4,029.00	<b>Tommy Mai</b>	Permit No. 6748 OC San ADU Refund
3	13213	10/20	\$ 4,029.00	<b>Zhao, Gui and Jun</b>	Permit No. 6773 OC San ADU Refund
4	13214	10/20	\$ 188.53	<b>Advanced Office</b>	Repairs for RICOH copier/scanner
5	13215	10/20	\$ 236.40	<b>Advanced Workplace Strategies, Inc</b>	Replace lost check # 12572 -DOT random drug testing
6	13216	10/20	\$ 127.62	<b>AT&amp;T Mobility</b>	Cell phone service
7	13217	10/20	\$ 750.00	<b>Ayala's Car Wash</b>	Fleet vehicle wash 10/11/21 & 10/18/21
8	13218	10/20	\$ 124.80	<b>Cameron Welding Supplies</b>	Oxygen & propane for forklift and shop
9	13219	10/20	\$ 274.40	<b>Cintas</b>	Employee uniform services for 10/14/21
10	13220	10/20	\$ 84.94	<b>City of Westminster</b>	Hydrant water service 09/15/21-10/14/21
11	13221	10/20	\$ 8,195.00	<b>California Special Districts Association</b>	2022 membership dues
12	13222	10/20	\$ 1,674.00	<b>HB Staffing</b>	10/04/21-10/10/21 for temp services
13	13223	10/20	\$ 7,538.00	<b>MacLeod Watts Inc.</b>	Prepare OPEB actuarial valuation as of June 30 2021
14	13224	10/20	\$ 804.23	<b>Merchants Building Maintenance, LLC</b>	Monthly janitorial service October 2021
15	13225	10/20	\$ 1,200.00	<b>MTN Studio</b>	Facebook mgmt. for September and October
16	13226	10/20	\$ 642.57	<b>NVB Equipment, Inc</b>	A/C unit service for NG-15
17	13227	10/20	\$ 62.00	<b>County of Orange Treasurer-Tax Collect</b>	Emergency radio in copier room 10/01/21-12/31/21
18	13228	10/20	\$ 4,450.11	<b>Rutan &amp; Tucker, LLP</b>	Legal services Sep-2021
19	13229	10/20	\$ 129.69	<b>Snap-On Tools</b>	Tools for Shop use
20	13230	10/20	\$ 183.75	<b>SoCal Auto &amp; Truck Parts, Inc.</b>	Restock lamps for solid waste trucks
21	13231	10/20	\$ 62.45	<b>SoCalGas</b>	District Offices Oct-2021
22	13232	10/20	\$ 1,349.00	<b>Time Warner Cable</b>	Television service
23	13233	10/20	\$ 10,071.54	<b>Woodruff, Spradlin &amp; Smart</b>	Legal Services Sep-2021
24	13234	10/20	\$ 5,350.55	<b>TEC of California, Inc.</b>	Restock parts for solid waste trucks
25	13235	10/26	\$ 95.00	<b>Asbury Environmental Services</b>	(450) Gallons Used oil/mixed pick up
26	13236	10/26	\$ 394.53	<b>AT&amp;T</b>	Brookhurst lift station phone & internet
27	13237	10/26	\$ 5,337.93	<b>Bodyworks Equipment, Inc.</b>	Restock parts for solid waste trucks
28	13238	10/26	\$ 274.40	<b>Cintas</b>	Employee uniform services for 10/21/21
29	13239	10/26	\$ 198.49	<b>City of Westminster-Water Billing</b>	District Offices 08/25-10/19
30	13240	10/26	\$ 1,939.00	<b>Clean Energy</b>	CNG Station site inspection
31	13241	10/26	\$ 3,472.22	<b>Daniel's Tire Service</b>	Restock tires for solid waste
32	13242	10/26	\$ 9,050.00	<b>ECIS</b>	(362) FOG inspections
33	13243	10/26	\$ 1,182.64	<b>Frontier Communications</b>	District Office phones & lift stations
34	13244	10/26	\$ 1,674.00	<b>HB Staffing</b>	10/11/21-10/17/21 for temp services
35	13245	10/26	\$ 2,813.17	<b>Konecranes, Inc.</b>	Wire rope for Shop use
36	13246	10/26	\$ 33.90	<b>LegalShield</b>	Prepaid legal & theft svcs. October 2021
37	13247	10/26	\$ 3,854.00	<b>Odyssey Power Corporation</b>	Troubleshoot/annual service for generator
38	13248	10/26	\$ 1,799.00	<b>ParcelQuest</b>	ParcelQuest subscription renewal FY 2021-2022
39	13249	10/26	\$ 2,000.00	<b>Radio Bolsa Corp.</b>	(5) 20 Minute talk shows on KVNR-AM 1480
40	13250	10/26	\$ 119.00	<b>Remington Pure</b>	Oct-21
41	13251	10/26	\$ 5,743.70	<b>Southern California Edison</b>	District Offices, CNG station and Lift stations

42	13252	10/26	\$ 78.52	<b>TrucPar Company</b>	Restock wheel nuts for Shop use
43	13253	10/26	\$ 1,298.16	<b>Tube Service Co. Division</b>	Restock hydraulic tubing for solid waste trucks
44			<b>\$ 94,715.24</b>	<b>CHECKS SUBTOTAL</b>	
45					
46				<b>PAYROLL:</b>	<b>MEMO</b>
47	ACH	10/19	\$ 77,240.19	<b>Paychex</b>	Employee Payroll - Checks, Taxes, & Direct Deposits
48			<b>\$ 77,240.19</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
49					
50				<b>ACH PAYMENTS:</b>	<b>MEMO</b>
51	ACH	10/19	\$ 16,544.99	<b>CalPERS</b>	Retirement Contributions for 10/04/21-10/17/21
52	ACH	10/20	\$ 902.16	<b>Nationwide Retirement Solutions</b>	457 Roth (100% paid by employees)
53	ACH	10/20	\$ 4,765.73	<b>Nationwide Retirement Solutions</b>	Board of Directors Health Insurance Premiums for October 2021
54	ACH	10/20	\$ 296.19	<b>Paychex</b>	Time & Attendance October-2021
55			<b>\$ 22,509.07</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
56					
57			<b>\$ 194,464.50</b>	<b>TOTAL EXPENDITURES</b>	
				<b>(AP CHECKS, PAYROLL, ACH TRANSFERS)</b>	

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the expenditures in the amount of \$ 194,464.50. 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

Director C. Nguyen arrived at the meeting at 5:37 PM.

GM K. Robbins reported that a draft of the District's 2022 annual calendar was on the dias for each of the Directors as it was on the agenda for final approval tonight.

GM K. Robbins stated that there would be a closed session presentation with SDRMA's attorney on the phone explaining the claim which is in Garden Grove, and which the District hasn't owned since 1996.

### Report from the Orange County Sanitation District (OC San) Meetings on Oct. 27, 2021

President A. Nguyen reported that OCSD wants to refinance \$100 million dollars in debt in order to receive a lower rate and could potentially save approximately \$22 million over 12 years, several employees with 30+ years were honored, and there was an update on their sewer construction project.

### **Report from CR&R – Quarterly Tonnage Report**

Gregory Karapoulios from CR&R reported that the District’s overall diversion rate was at 54.65%. He stated that regarding outreach, the service guides went out to commercial businesses reminding them to sign up, and approximately 160 self-reporting forms had been received, with another round going out in December. He stated that the number of service complaints was down, and he asked the Board to let him know if they had any ideas for outreach by CR&R for 2022.

### **Report from the Calendar Committee Meeting on Oct. 22, 2021**

Director C. Nguyen stated that he, President A. Nguyen and GM K. Robbins met to make a few changes prior to presenting the District’s 2022 calendar to the Board for approval.

### **Report from the Facebook Video on Oct. 22, 2021**

Directors T. Diep, M. Nguyen and S. Contreras did a Facebook video to remind and alert residents about recycling organic waste and mention how staff will be randomly auditing green containers.

Director T. Diep stated that on Facebook there is a way to get an ad approved so that it will be pushed and he asked staff to check into how to verify the District on Facebook in order for it to become an official page.

### **Report from the Radio Show on Oct. 26, 2021**

Directors C. Nguyen and M. Nguyen, and Greg Karapoulios from CR&R, provided recycling information and explained SB1383 within the District.

### **Report from the ISDOC Quarterly Meeting on oct. 28, 2021**

All of the Directors attended the ISDOC quarterly meeting and found the information regarding teleconferencing meetings and the Santa Margarita Water District especially interesting.

### **CONSENT CALENDAR**

***(Roll Call vote)***

- A. Receive and File the California Employers’ Retiree Benefit Trust (CERBT) Program Financial Statement for the Quarter Ended September 30, 2021
- A. Receive and File the California Employers’ Pension Prefunding Trust (CEPPT) Program Financial Statement for the Quarter Ended September 30, 2021

A motion was made by Director T. Diep, seconded by Director C. 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. RESOLUTION NO. 2021-10

***(Roll Call vote)***

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING A COVID-19 PREVENTION PROGRAM

Finance/HR Director R. Housley stated that the District is required by Cal/OSHA to put a Covid-19 prevention plan into place and that Leanne Luu had worked on this project using a provided template.

A motion was made by Director T. Diep, seconded by President A. Nguyen, to approve adoption of Resolution No. 2021-10, adopting a Covid-19 prevention program for the District. 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 Approval of 2022 Midway City Sanitary District Annual Calendar

***(Roll Call vote)***

A motion was made by President A. Nguyen, seconded by Director T. Diep, to approve the draft of the District's 2022 annual 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:

## **INFORMATIONAL ITEMS**

- A. California Special Districts Association 2021 Highlights, Advocacy Accomplishments and Additional Highlights

Receive and file.

## **BOARD CONCERNS/COMMENTS**

Director M. Nguyen thanked GM K. Robbins for taking him on an informative tour of the District to see the lift stations and pumps.

Director S. Contreras stated that he was glad to see President A. Nguyen and was already looking forward to the District's holiday party.

Director C. Nguyen stated that he is happy to participate in the District's meetings as they are friendly and productive with everyone happy and smiling.

President A. Nguyen thanked everyone for working together.

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

GM K. Robbins asked the Board to RSVP for the holiday party in order to get a clear head count for the food order.

## **GENERAL COUNSEL CONCERNS/COMMENTS**

None

General Counsel, J. Eggart convened the meeting into closed session to confer with legal counsel regarding one matter of existing litigation pursuant to Government Code Section 54956.9(e)(1) and the case is Jonathan H. Cannon et al versus Midway City Sanitary District et al. He stated that outside counsel was appointed by the District's insurance company and was on the phone to address the Board of the situation, but that he would step out because there was a conflict of interest. The time was 6:17 PM.

## 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.

### A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9

Name of Case: *Jonathan H. Cannon, Trustee of the Cannon Family Trust, et al. v. Midway City Sanitary District, et al.*, United States District Court, Central District of Ca., Case No. 8:21-cv-01072 DOC (ADSx)

Director T. Diep left the meeting at 6:35 PM.

Directors S. Contreras and C. Nguyen left the meeting at 6:54 PM, at which point the quorum was lost.

General Counsel J. Eggart stated that the Board lost their quorum when Directors S. Contreras and C. Nguyen left at 6:54 PM so the meeting was effectively done at that time. For purposes of the record, he stated that the Board met in executive session with outside counsel to discuss an existing piece of litigation identified on the agenda and there was no reportable action taken.

## ADJOURNMENT

President A. Nguyen adjourned the meeting to Tuesday, November 16, 2021 at 5:30 P.M. at the District office at approximately 6:58 P.M.

Sergio Contreras  
Sergio Contreras, Secretary