

**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**

July 5, 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, July 5, 2022 at 5:36 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep (via teleconference @ 6:10 p.m.)
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 Olsder, Administrative Secretary

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 JUNE 21, 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 June 21, 2022. The motion was approved by the following 4-0 roll call vote:

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

APPROVAL OF EXPENDITURES

(Roll Call Vote)

A. Demands in the amount of \$ 678,064.32

| # | 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 | Dtntech | 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 Q |
| 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 | | | \$ 81,373.11 | CHECKS SUBTOTAL | |
| 33 | | | | | |
| 34 | | | | PAYROLL: | MEMO |
| 36 | ACH | 6/15 | \$ 74,154.78 | Paychex | Employee Payroll - Checks, Taxes, & Direct Deposits |
| 37 | ACH | 6/15 | \$ 7,087.99 | Nationwide Retirement Solutions | 457 Deferred Compensation (Employees) |
| 38 | | | \$ 81,242.77 | ACH TRANSFERS SUBTOTAL | |
| 39 | | | | | |
| 40 | | | | ACH PAYMENTS: | MEMO |
| 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 | | | \$ 515,448.44 | ACH TRANSFERS SUBTOTAL | |
| 44 | | | | | |
| 45 | | | \$ 678,064.32 | TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS) | |
| 46 | | | | | |
| 47 | | | | BANK TRANSFERS: | |
| 48 | UB | 6/8 | \$ 500,000.00 | Transfer Funds from LAIF to Union Bank Checking | |
| 49 | | | \$ 500,000.00 | BANK TRANSFERS | |

A motion was made by Director C. Nguyen, seconded by Director S. Contreras to approve the amended expenditures in the amount of \$ 678,064.32. The motion was approved by the following 4-0 roll call vote:

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

B. Demands in the amount of \$ 240,310.79

| # | CK # | DATE | AMOUNT | VENDOR CHECKS: | MEMO: |
|----|-------|------|---------------------|---|---|
| 1 | 13805 | 6/20 | 196.24 | Advanced Office | Copier repairs |
| 2 | 13806 | 6/20 | 900.35 | AT&T Mobility (First Net) | Cell phone service |
| 3 | 13807 | 6/20 | 725.00 | Ayala's Car Wash | Solid waste trucks fleet wash |
| 4 | 13808 | 6/20 | 84.94 | City of Westminster Hydrant | Hydrant water service |
| 5 | 13809 | 6/20 | 367.75 | Clean Energy | CNG Station site inspection |
| 6 | 13810 | 6/20 | 759.46 | CR&R Incorporated | June clean up event |
| 7 | 13811 | 6/20 | 456.56 | CRC Cloud | Splitting the Internet line |
| 8 | 13812 | 6/20 | 2,041.26 | Daniels Tire Service | Restock tires for solid waste |
| 9 | 13813 | 6/20 | 841.95 | Driveshaftpro | Repair drive-shaft for NG-2 |
| 10 | 13814 | 6/20 | 233.46 | Huntington Beach Ford | Shop engine repairs for G2 service truck |
| 11 | 13815 | 6/20 | 1,150.00 | Me Viet Nam Productions | 30 Minute Talk Show 06/10 & 06/19 |
| 12 | 13816 | 6/20 | 2,827.80 | Motion and Flow Control Products, Inc. | Press Machine for Shop |
| 13 | 13817 | 6/20 | 4,918.65 | Pacific Lift And Equipment Co, Inc | Repairs to mobile lifts for Shop |
| 14 | 13818 | 6/20 | 3,762.50 | Rengel + Company Architects, Inc | Bldg. Proj. revise landscape plans for project |
| 15 | 13819 | 6/20 | 3,246.25 | RMS | Service on CNG Gas Detection System at District |
| 16 | 13820 | 6/20 | 2,107.00 | Rutan & Tucker, LLP | Legal services May- 2022 |
| 17 | 13821 | 6/20 | 2,175.00 | Safety Research Consultants, Inc. | 4-Hour Driver's Training on 05/21/22 |
| 18 | 13822 | 6/20 | 226.24 | SoCal First Aid & Safety | Restock first aid kits |
| 19 | 13823 | 6/20 | 12,550.89 | SoCalGas | Gas service for CNG Station |
| 20 | 13824 | 6/20 | 1,349.00 | Spectrum Enterprise (Time Warner Cable) | Television service |
| 21 | 13825 | 6/20 | 3,696.05 | Tesco Controls, Inc. | Troubleshoot Network Error for Brookhurst Lift Station |
| 22 | 13826 | 6/20 | 448.49 | UniFirst Corporation | Employee uniform & laundry services |
| 23 | 13827 | 6/20 | 766.00 | Wespac Security Services, Inc. | Burgular Alarm Svcs. Apr-Jun 2022 |
| 24 | 13828 | 6/20 | 930.00 | Westminster Herald | Notice of Public Hearings |
| 25 | 13829 | 6/20 | 12,334.25 | Woodruff, Spradlin & Smart | Legal Services May-2022 |
| 26 | 13830 | 6/21 | 5,293.43 | TEC Of California, Inc. | Solid waste repairs and maintenance |
| 27 | 13831 | 6/21 | 752.40 | Chi Charlie Nguyen | Travel and Expense Reimbursement |
| 28 | 13832 | 6/25 | 95.00 | Asbury Environmental Services | (450) Gallons Used oil/mixed pick up |
| 29 | 13833 | 6/25 | 436.71 | AT&T (Brookhurst Lift Station) | Brookhurst June- 2022 |
| 30 | 13834 | 6/25 | 560.00 | Ayala's Car Wash | Solid waste trucks fleet wash |
| 31 | 13835 | 6/25 | 2,865.02 | Bodyworks Equip. Inc. | Heil parts for solid waste trash truck |
| 32 | 13836 | 6/25 | 35.29 | City of Westminster-Water Billing | Westminster lift station water |
| 33 | 13837 | 6/25 | 129.80 | Clean Energy | CNG Station site inspection |
| 34 | 13838 | 6/25 | 1,465.64 | Daniels Tire Service | CNG Station site inspection |
| 35 | 13839 | 6/25 | 890.00 | Estrella Media, Inc. | 06/13 - 06/19/22 16 Radio Spots re SB1383 |
| 36 | 13840 | 6/25 | 33.90 | LegalShield | Prepaid legal Jun-2022 |
| 37 | 13841 | 6/25 | 203.94 | Motion and Flow Control Products, Inc. | Press Machine for Shop |
| 38 | 13842 | 6/25 | 89.01 | Spectrum Enterprise (Time Warner Cable) | Service from 06/17 - 07/16/22 |
| 39 | 13843 | 6/25 | 233.89 | UniFirst Corporation | Employee uniform & laundry services |
| 40 | | | \$ 72,179.12 | CHECKS SUBTOTAL | |
| 41 | | | | | |
| 42 | | | | PAYROLL: | MEMO |
| 43 | ACH | 6/29 | \$ 71,330.51 | Paychex | Employee Payroll - Checks, Taxes, & Direct Deposits |
| 44 | ACH | 6/29 | \$ 7,066.43 | Nationwide Retirement Solutions | 457 Deferred Compensation (Employees) |
| 45 | ACH | 7/1 | \$ 6,141.66 | Paychex | Board of Directors Payroll - Checks, Taxes, & Direct Deposits |
| 46 | ACH | 7/1 | \$ 688.50 | Nationwide Retirement Solutions | 457 Deferred Compensation (Board of Directors) |
| 47 | | | \$ 85,227.10 | ACH TRANSFERS SUBTOTAL | |
| 48 | | | | | |

| | | | | | |
|----|-----|------|---------------|---|---|
| 48 | | | | | |
| 49 | | | | ACH PAYMENTS: | MEMO |
| 50 | ACH | 6/21 | \$ 290.99 | Paychex | Time & Attendance Jun-2022 |
| 51 | ACH | 6/29 | \$ 15,095.86 | CalPERS | Retirement Contributions for 06/13 - 06/26/22 |
| 52 | ACH | 7/1 | \$ 6,385.14 | CalPERS | Board of Directors Health Insurance Premiums for Jul-2022 |
| 53 | ACH | 7/1 | \$ 61,132.58 | CalPERS | Active Employee and Retiree Health Ins Premiums Jul-2022 |
| 54 | | | \$ 82,904.57 | ACH TRANSFERS SUBTOTAL | |
| 55 | | | | | |
| 56 | | | \$ 240,310.79 | TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS) | |
| 57 | | | | | |

A motion was made by Director M. Nguyen, seconded by President A. Nguyen to approve the expenditures in the amount of \$ 240,310.79. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that there were a few damaged carts due to fire from the 4th of July fireworks. The District is charging \$60.00 each per Ordinance 71. Under Ordinance 71 Section 2.060 C3 “Person in possession, charge or control of the Premises shall be liable to the District for the District’s cost to replace the Container. However, if the GM reasonably determines that the need to repair or replace the Container is due to abuse, misuse, or neglect of the Container by an Owner or Occupant of the Premises, the Owner, Occupant or Person in possession, charge or control of the Premises shall be liable to the District for the District’s cost to repair or replace the Container”.

GM K. Robbins reminded the Board of their Semi-Annual Campaign Disclosure forms 460 or 470 which are due by July 31, 2022.

GM K. Robbins reported that the City of Westminster is hosting Safety Day on July 20, 2022 at Sigler Park, and he will be BBQing hotdogs for the event. The District will be handing out backpacks and hats. This is a community event featuring safety demos and activities for kids, families, and residents.

GM K. Robbins stated that the Calendar Committee will set up a meeting soon to discuss the 2023 calendar.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 2022-17

(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 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 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 M. Nguyen, to approve and adopt Resolution No. 2022-17. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ASTAIN:

ABSENT: T. Diep

INFORMATIONAL ITEMS

- A. California Special Districts Association (CSDA) Email Regarding Call to Action- Oppose Ballet Initiative #21-0042A1 – Limits Ability of Voters and State and Local Governments to Raise Revenues for Government Services
- B. Independent Special Districts of Orange County (ISDOC) Quarterly Luncheon – Thursday, July 28, 2022 – Protecting Orange County Critical Infrastructure and Communities

Receive and file.

BOARD CONCERNS/COMMENTS

Director S. Contreras, Director C. Nguyen and President A. Nguyen thanked staff.

GM/STAFF CONCERNS/COMMENT

Finance/HR Director R. Housley stated that the Health Reimbursement Arrangement (HRA) benefit started July 1, 2022. The visa cards are automatically mailed to the address on the account and everyone should have received the cards by now.

GM K. Robbins reported that Leanne Luu was back from maternity leave.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel J. Eggart informed the Board of Senate Bill No. 54 that was approved by California Governor Newsom on June 30, 2022. The bill will create an Extended Producer Responsibility Program (EPR) for printed paper and plastic packaging, require certain reductions and eliminations in single-use plastic packaging, promote reuse or refill systems and implement eco-modulated fees and environmental justice provisions. It also will require all plastic packaging in the state to reach a 30% recycling rate by 2028, increasing to 65% by 2032.

General Counsel J. Eggart convened the meeting to closed session at 5:53 P.M. pursuant to Government Code Section 54957(b)(1) as identified on the agenda as Item 14A.

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957(b)(1) Title: General Manager

General Counsel J. Eggart reconvened the meeting at 6:23 P.M.

General Counsel J. Eggart reported that the Board had met in closed session as identified on Agenda Item No. 14A to discuss the General Manager's performance evaluation and that no reportable action had been taken. General Counsel J. Eggart reported that it's the desire of the Board to reschedule the General Manager's performance evaluation in three months when all Directors could be present in person. General Counsel J. Eggart wanted the record to reflect that Director T. Diep had joined the meeting and was present now coming out of closed session.

ADJOURNMENT

President A. Nguyen adjourned the meeting to Tuesday, July 19, 2022 at 5:30 P.M. at the District office at 6:24P.M.

Sergio Contreras
Sergio Contreras, Secretary