

**MINUTES OF THE SPECIAL MEETING OF THE  
BOARD OF DIRECTORS OF THE MIDWAY CITY  
SANITARY DISTRICT OF ORANGE COUNTY  
14451 CEDARWOOD AVENUE  
WESTMINSTER, CA 92683**

**EVERYONE WHO ATTENDED THIS HYBRID/TELECONFERENCE MEETING  
ATTENDED FROM VARIOUS LOCATIONS PURSUANT TO THE PROVISION OF  
THE GOVERNOR'S EXECUTIVE ORDER WHICH SUSPENDS CERTAIN  
REQUIREMENTS OF THE RALPH M. BROWN ACT. AGENDA PACKETS WERE  
MADE AVAILABLE AT THE DISTRICT OFFICE AND A LINK, PHONE NUMBER AND  
ACCESS NUMBER WERE MADE AVAILABLE TO ANYONE WISHING TO ATTEND.  
PER STATE OF CALIFORNIA EXECUTIVE ORDER NO. N-29-20, AND IN THE  
INTEREST OF PUBLIC HEALTH AND SAFETY, THE DISTRICT STRONGLY  
ENCOURAGED MEMBERS OF THE PUBLIC TO PARTICIPATE IN THIS MEETING  
TELEPHONICALLY RATHER THAN ATTENDING IN PERSON.**

**December 4, 2020**

**CALL TO ORDER**

President C. Nguyen called the special teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Friday, December 4, 2020 at 1:07 P.M.

**BOARD MEMBERS PRESENT:**

Margie L. Rice (via teleconference)  
Andrew Nguyen (via teleconference)  
Sergio Contreras (via teleconference)  
Chi Charlie Nguyen (via teleconference)  
Tyler Diep, Board Member Elect (via teleconference)

**OTHERS AT MEETING:**

Kenneth Robbins, General Manager  
Robert Housley, Finance/HR Director  
James Eggart, General Counsel (via teleconference)  
Danielle Gerardo, Board Secretary

**PLEDGE AND INVOCATION**

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

## **PUBLIC COMMENTS**

None

## **NEW BUSINESS**

### **A. RESOLUTION NO. 2020-12**

***(Roll Call Vote)***

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT, OF ORANGE COUNTY, CALIFORNIA, DECLARING RESULTS OF THE NOVEMBER 3, 2020 ELECTION OF DISTRICT DIRECTORS

GM K. Robbins stated that the election has been officially certified and that Directors Chi Charlie Nguyen and Tyler Diep were sworn in on December 2, 2020.

A report of a summary of Staff's recommendation was provided and considered by the Board. A copy of the Certificate of Election Results from the County Clerk/Registrar of Voters was provided to the Board at the time of the meeting. A motion was made by Director A. Nguyen, seconded by Director M. Rice, to adopt Resolution No. 2020-12 declaring the election of District Directors. The resolution was adopted by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

### **B. Consider the Annual Board Reorganization**

***(Roll Call Vote)***

General Counsel Eggart stated that he would handle the conduct of the meeting for a few minutes while the Board elected a new President. Once the new President was elected, he would turn the proceedings back over to that individual for the purpose of electing and appointing the rest of the Board positions.

General Counsel Eggart opened the floor for nomination for the office of President.

Director M. Rice, seconded by President C. Nguyen nominated Director A. Nguyen for the office of President.

General Counsel Eggart asked if there were any other nominations for the position of President of the Board.

Hearing none, General Counsel Eggart closed the nominations and asked for the vote. The nomination of President A. Nguyen to the office of President was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart congratulated President A. Nguyen on his appointment to the office of President and relinquished the conduct of the proceedings back to the President.

President A. Nguyen thanked the Board and took over the conduct of the meeting.

President A. Nguyen opened the floor for nominations for the office of President Pro-Tem.

President A. Nguyen, seconded by Director M. Rice nominated Director C. Nguyen for the office of President Pro-Tem.

The nominations for the office of President Pro-Tem were closed.

The appointment of Director C. Nguyen to the office of President Pro-Tem was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen opened the floor for nominations for the office of Secretary.

Director C. Nguyen, seconded by Director M. Rice nominated Director S. Contreras for the office of Secretary.

The nominations for the office of Secretary were closed.

The appointment of Director S. Contreras to the office of Secretary was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen opened the floor for nominations for the office of Treasurer.

President A. Nguyen, seconded by Director C. Nguyen nominated Director M. Rice for the office of Treasurer.

The nominations for the office of Treasurer were closed.

The nomination of Director M. Rice to the office of Treasurer was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen opened the floor for nominations for the office of Secretary/Treasurer Pro-Tem.

Director S. Contreras, seconded by Director M. Rice nominated Director T. Diep for the office of Secretary/Treasurer Pro-Tem.

The nominations for the office of Secretary/Treasurer Pro-Tem were closed.

The appointment of Director T. Diep to the office of Secretary/Treasurer Pro-Tem was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen stated that the next office for discussion was the Orange County Sanitation District (OCSD) Representative, which is the President or the President's appointee.

President A. Nguyen appointed himself to serve as the District's Representative to Orange County Sanitation District (OCSD).

President A. Nguyen appointed Director C. Nguyen as the Alternate Representative to OCSD.

Director M. Rice pointed out that City Council members cannot serve on OCSD because they meet on the same nights.

President A. Nguyen asked whether Director T. Diep would like the appointment.

Director T. Diep stated that he would be honored but preferred to let Director S. Contreras have the appointment if he were interested.

Director S. Contreras said that he would accept the appointment.

President A. Nguyen appointed Director S. Contreras as the Alternate Representative to OCSD.

Director S. Contreras accepted President A. Nguyen's appointment.

President A. Nguyen stated that the full Board would continue as the representative to Independent Special Districts of Orange County (ISDOC), the Westminster Chamber of Commerce, and the Budget and Audit Committees, so no action was necessary.

President A. Nguyen, seconded by Director M. Rice nominated himself and Director C. Nguyen to the Calendar Committee.

The appointment of President A. Nguyen and Director C. Nguyen to the Calendar Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

Director C. Nguyen, seconded by President A. Nguyen nominated Director S. Contreras as Alternate to the Calendar Committee.

The appointment of Director S. Contreras as Alternate to the Calendar Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen stated that the full Board would continue to act for the Negotiating Committee.

Director S. Contreras, seconded by Director M. Rice nominated Director M. Rice and C. Nguyen to the Franchise Agreement Committee.

The appointment of Directors M. Rice and C. Nguyen to the Franchise Agreement Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

Director T. Diep, seconded by President A. Nguyen nominated Director S. Contreras as Alternate to the Franchise Agreement Committee.

The appointment of Director S. Contreras was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen opened the floor for discussion as to future Board meeting dates and time. He stated that it is currently set at the first and third Tuesday of each month at 5:30 P.M. unless otherwise declared by the Board and enable language to give the Board the authority to change the time as necessary.

President A. Nguyen, seconded by Director S. Contreras made a motion to keep the meeting dates and time the same. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

## **INFORMATIONAL ITEMS**

None

## **BOARD CONCERNS/COMMENTS**

Director T. Diep thanked GM K. Robbins and Staff for making him feel so welcome as he transitions back onto the Board. He congratulated A. Nguyen and thanked the Board.

Director C. Nguyen congratulated President A. Nguyen and thanked everyone for helping him fulfill his duties as President for the last two years and for working with him.

Director M. Rice stated that she was so happy to have the full Board with Directors T. Diep and C. Nguyen and that they had all worked together before and did well together. She congratulated President A. Nguyen and thanked everyone for their nomination of her as Treasurer.

Director S. Contreras thanked everyone, congratulated President A. Nguyen and President Pro-Tem C. Nguyen, and welcomed back Director T. Diep and said that he was looking forward to working with everyone.

President A. Nguyen thanked everyone.

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

GM K. Robbins stated that it was nice to have a full Board again and did not want to forget the passing of Director A. Krippner. He stated that he was glad to have Director T. Diep back, thanked Director C. Nguyen for the last two years and stated that he was looking forward to working with President A. Nguyen.

## **GENERAL COUNSEL CONCERNS/COMMENTS**

General Counsel J. Eggart welcomed back Director T. Diep and congratulated all the Board members.

## **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, December 15, 2020 at 5:30 P.M. at the District office at approximately 1:32 P.M.

Sergio Contreras  
Sergio Contreras, Secretary