

**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**

August 2, 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, August 2, 2022 at 5:31 P.M.

BOARD MEMBERS PRESENT:

Sergio Contreras (via teleconference)
Charlie Chi Nguyen
Andrew Nguyen
Mark Nguyen

OTHERS AT MEETING:

Ken Robbins, General Manager
James Eggart, General Counsel
Cynthia Olsder, Executive Board Secretary
Ashton Kauwe, Resident

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JULY 19, 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 July 19, 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 \$649,058.61

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	13859	7/13	229.50	Advanced Office	Copier repairs
2	13860	7/13	715.00	Ayala's Car Wash	Solid waste trucks fleet wash
3	13861	7/13	960.87	Benny's Oil Filter	Restock for hydraulic clean ups
4	13862	7/13	3,073.45	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
5	13863	7/13	3,645.00	City of Westminster	2021 - 2022 Fees for Commercial Customers
6	13864	7/13	1,802.68	Clean Energy	CNG Station site inspection
7	13865	7/13	363.00	County of Orange/ Healthcare	Annual Hazardous Materials Fee 07/01/22-06/30/23
8	13866	7/13	659.65	CR&R Incorporated	Bins for Clean-Up Event on 06/18/22
9	13867	7/13	792.00	CRC Cloud	Monthly maintenance & Support
10	13868	7/13	249.19	Huntington Beach Ford	Filter for G2 service truck
11	13869	7/13	1,170.00	IB Consulting, LLC	Consultant: Prop 218 Rate Hearing Attendance
12	13870	7/13	60.00	Memorial Care Medical Foundation	Pre-employment drug test and DMV physical for CDL
13	13871	7/13	301.09	Motion and Flow Control Products, Inc.	Hydraulic fittings for solid waste trucks
14	13872	7/13	486.50	Nam Ngo	Refund for cancelled permit no. 6983
15	13873	7/13	17,443.78	Orange County Sanitation District	Permit Fees Jun-2022
16	13874	7/13	19,152.59	Orange County Treasurer-Tax Collector	Allocation of FY 2022-23 LAFCO Costs
17	13875	7/13	2,940.00	Performance Pipeline Technologies	Jetting to remove stuck sewer hose
18	13876	7/13	124.55	Petty Cash-Ken Robbins	Jun-2022 Petty Cash
19	13877	7/13	1,170.24	Plumbers Depot Inc.	Replace Vactor Truck Leader Hose and Nozzle
20	13878	7/13	800.00	Radio Bolsa Corp.	20 Minute Talk shows on KVNR-AM 1480
21	13879	7/13	6,987.50	Rengel + Company Architects, Inc	Bldg. Proj. revise landscape plans for project
22	13880	7/13	1,862.00	Rutan & Tucker, LLP	Legal services Jun- 2022
23	13881	7/13	1,000.00	Shuster Advisory Group, LLC	Advisory Fee 457(b) & OBRA plans Q2 2022
24	13882	7/13	1,350.00	SoCal Arborists	MCSO landscaping - Trees and bushes trimmed
25	13883	7/13	620.61	South Coast Air Quality Mgmt Dist.	FY22-23 Flat Fee for Fiscal Year Emissions
26	13884	7/13	300.00	Streamline	Website monthly member fee
28	13886	7/13	945.53	Verizon Enterprise	SCADA Jun-2022
29	13885	7/13	3,000.00	Westminster Herald	Notice of Adoption of Ord No.72 & Ord No.73
27	13887	7/13	472.73	UniFirst Corporation	Employee uniform & laundry services
30	13888	7/20	313.20	AT&T Mobility (First Net)	Cell phone service
31	13889	7/20	225.00	Ayala's Car Wash	Solid waste trucks fleet wash
32	13890	7/20	6,237.40	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
33	13891	7/20	3,531.60	Daniels Tire Service	Restock tires for solid waste
34	13892	7/20	856.88	Dtntech	August 2022 Clean Up Mailer
35	13893	7/20	140.00	ISDOC	ISDOC Luncheon 2022
36	13894	7/20	804.23	Merchants Building Maintenance, LLC	Monthly janitorial service
37	13895	7/20	465.64	Motion and Flow Control Products, Inc.	Hydraulic fittings for solid waste trucks
38	13896	7/20	32.00	Pitney Bowes Global Financial Services	Postage Machine
39	13897	7/20	71.66	SoCalGas	Gas service for CNG Station
40	13898	7/20	1,349.00	Spectrum Enterprise (Time Warner Cable)	Television service
41	13899	7/20	251.08	UniFirst Corporation	Employee uniform & laundry services
42	13900	7/20	7,067.21	Woodruff, Spradlin & Smart	Legal Services Jun-2022
43	13901	7/21	6,430.58	TEC Of California, Inc.	Solid waste repairs and maintenance
44	13902	7/21	15,904.41	Dtntech	Compost Give Away Mailer
45	13903	7/21	190,806.87	CR Transfer, Inc.	Residential Waste & Organic tonnage fees
46			\$ 307,164.22	CHECKS SUBTOTAL	
47					
48				PAYROLL:	MEMO
49	ACH	7/27	\$ 75,487.29	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
50	ACH	7/27	\$ 32,963.28	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
51			\$ 108,450.57	ACH TRANSFERS SUBTOTAL	
52					

61				
62			\$ 649,058.61	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)
63				
64				<u>BANK TRANSFERS:</u>
65	UB	7/20	\$ 500,000.00	Transfer Funds from LAIF to Union Bank Checking
66	UB	7/27	\$ 200,000.00	Transfer Funds from UB Money Market to UB Checking
67			\$ 700,000.00	BANK TRANSFERS
68				

A motion was made by Director M. Nguyen, seconded by Director C. Nguyen, to approve the expenditures in the amount of \$649,058.61. 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 the District added another sewer position in the 2022-2023 budget, and that a solid waste driver, R. Cruz, who’s obtained the required Grade 1 CWEA certification for sewer technology in California, will fill that position as a promotion. He stated that the District will be looking to hire a solid waste driver first before the transition happens.

GM K. Robbins reported that the District received zero bids for the District’s Solar Building Project.

GM K. Robbins stated that at the ISDOC Luncheon they had a big discussion on cyber security. For that reason, he highly recommended the Board to reconsider using CRC as the IT vendor because the District had zero cyber security issues in the last 14 years.

GM K. Robbins updated the Board on former Director Joy Neugebauer.

Report from the Safety Day on July 20, 2022

All of the Board of Directors attended the event. Director S. Contreras thanked everyone for showing up and thanked GM K. Robbins for his help with cooking the hotdogs in the heat. The Directors all agreed that it was a good turnout.

Report from the Radio Bolsa Outreach on July 21, 2022

President A. Nguyen and Director S. Contreras went on Radio Bolsa to talk about recycling, especially organic waste, the clean-up event, and the compost giveaway event.

Report from the Calendar Committee Meeting on July 26, 2022

Director M. Nguyen and Director S. Contreras met with GM K. Robbins to go over the District's 2023 annual calendar.

Report from the ISDOC Quarterly Luncheon on July 28, 2022

President A. Nguyen, Director T. Diep, Director M. Nguyen, Director S. Contreras, GM K. Robbins and Finance/HR Director R. Housley attended the meeting. Director M. Nguyen stated that he found the topic on cyber security very informative. Director S. Contreras stated that he has concerns too about cyber security and would like to be a part of the security audit.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

Consideration of adding item to the Agenda.

General Counsel, J. Eggart stated that the General Manager is asking the Board to walk an item onto the agenda that wasn't agenzized. The item proposed for consideration is to allow the employee, R. Mayfield, a cash-out of a maximum 40 hours vacation leave due to unforeseen financial hardship.

General Counsel, J. 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 proposed.

GM K. Robbins stated that there is a need for immediate action because the employee's car broke down yesterday, and he doesn't have the funds to repair it. The employee needs his car in order to commute to work.

A motion was made by Director S. Contreras, seconded by Director C. 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 to allow the employee, R. Mayfield, to cash-out vacation leave of up to 40 hours. 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

Consideration to allow an employee, R. Mayfield, to cash-out vacation leave due to unforeseen financial hardship of up to 40 hours.

GM K. Robbins stated that under section 5G of the Memorandum of Understanding (MOU), "Upon an employee's showing of an unforeseen financial hardship, the Board may grant an additional request that an employee be paid his/her regular rate of pay in lieu of taking up to forty (40) hours of his/her vacation time off in eight (8) hour increments. A decision on such a request is at the sole discretion of the Board of Directors and shall be decided on a case-by-case basis" (p.8).

A motion was made by President A. Nguyen, seconded by Director C. Nguyen, to approve the request to allow the employee, R. Mayfield, to cash-out vacation leave of a maximum forty (40) hours due to unforeseen financial hardship. 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

A. Discussion and Consideration of Request for Proposals 2023 Sewer System Master Plan Update **(Roll Call Vote)**

GM K. Robbins stated that there hasn't been a study of the District's needs from a sewer infrastructure stand point in a long time. An updated sewer system master plan is a requirement of the permit issued by the State Water Board to the District to operate the sewer system, and the plan should be updated to include requirements of the current regulations.

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 C. Nguyen, to approve staff recommendation for the proposal of 2023 Sewer System Master Plan update and Direct staff to solicit proposals. 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

B. RESOLUTION NO. 2022-19

(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 motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to approve adoption of Resolution No. 2022-19. 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. CalPERS Announces Preliminary Net Investment Return of -6.1% for the 2021-22 Fiscal Year

Receive and file.

BOARD CONCERNS/COMMENTS

Director S. Contreras thanked the Board for their understanding of the staff member who's in need of help. President A. Nguyen thanked staff for their hard work.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins thanked the Board and stated that he's looking forward to upcoming events.

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 at 6:04 P.M. to Tuesday, August 16, 2022 at 5:30 P.M. at the District office.

Sergio Contreras

Sergio Contreras, Secretary