

**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**

October 5, 2021

CALL TO ORDER

President Pro-Tem C. 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, October 5, 2021 at 5:35 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep (5:39 arrival)
Sergio Contreras
Chi Charlie Nguyen
Andrew Nguyen (absent)
Mark Nguyen

OTHERS AT MEETING:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Executive Board Secretary
Sadia Sayed, Rengel Architects
Ashton Kauwe, Resident

PLEDGE AND INVOCATION

Director S. Contreras led the Pledge of Allegiance. GM K. Robbins gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPT. 21, 2021

A motion was made by Director S. Contreras, seconded by Director M. Nguyen, to approve the minutes of the regular meeting of September 21, 2021. The motion was approved by the following 3-0-0 vote:

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

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 237,527.84

#	CK #	Date	AMOUNT	VENDOR	
				CHECKS:	MEMO:
1	13129	9/21	\$ 341.54	AT&T	Brookhurst Lift Station Phone & Internet
2	13130	9/21	\$ 490.00	Ayala's Car Wash	Fleet vehicle wash 09/13/21
3	13131	9/21	\$ 1,159.72	Bodyworks Equipment, Inc.	Restock Heil parts for solid waste trucks
4	13132	9/21	\$ 263.28	Cintas	Employee uniform services for 09/16/21
5	13133	9/21	\$ 33.13	City of Westminster	Westminster lift station 07/21/21-09/14/21
6	13134	9/21	\$ 84.94	City of Westminster	Hydrant water service 08/14/21-09/14/21
7	13135	9/21	\$ 3,574.64	Daniel's Tire Service	Restock tires for solid waste trucks
8	13136	9/21	\$ 757.56	Driveshaftpro	Stock parts for solid waste trucks
9	13137	9/21	\$ -	Voided Check	Voided check to add credit to payment
10	13138	9/21	\$ 49.00	Juan Contreras	DMV commercial license renewal
11	13139	9/21	\$ 655.17	NVB Equipment	A/C repairs NG-14 for solid waste truck
12	13140	9/21	\$ 1,151.50	Rutan & Tucker, LLP	Legal services September-2021
13	13141	9/21	\$ 1,349.00	Time Warner Cable	Television service
14	13142	9/21	\$ 297.07	TrucPar Company	Tools for Shop use
15	13143	9/21	\$ 2,628.80	HB Staffing	09/06/21-09/12/21 for temp services
16	13144	9/22	\$ 5,902.40	HB Staffing	08/23/21-09/05/21 for temp services
17	13145	9/22	\$ 183.71	Purchase Power	Postage-September 2021
18	13146	9/22	\$ 1,050.00	Viet Link Radio	30 Minute Radio Talk Show (AM1480) 08/23, 08/27 & 08/30/2021
19	13147	9/22	\$ 54.47	Hillco Fastener Warehouse Inc.	Restock lock nuts and bolts for solid waste trucks
20	13148	9/24	\$ 1,555.54	Andrew Nguyen	Reimb. CSDA Conference 08/30/21-09/01/21
21	13149	9/27	\$ 963.65	Victor Tran	Claim for 09/17/21 accident
22	13150	9/27	\$ 225.00	Ayala's Car Wash	Fleet vehicle wash 09/20/21
23	13151	9/27	\$ 274.40	Cintas	Employee uniform services for 09/23/21
24	13152	9/27	\$ 1,823.50	Clean Energy	Service for CNG Station
25	13153	9/27	\$ 350.00	Country City Towing, Inc.	Tow service for NG15
26	13154	9/27	\$ 98,480.55	CR Transfer	Residential Waste & Organic Tonnage Fees 09/01/21-09/15/21
27	13155	9/27	\$ 284.24	Cummins Sales and Service	Restock CNG motor oil for Solid Waste trucks
28	13156	9/27	\$ 3,275.54	HB Staffing	09/13/21-09/19/21 for temp services
29	13157	9/27	\$ 3.43	Hillco Fastener Warehouse Inc.	Restock for Shop Use
30	13158	9/27	\$ 33.90	LegalShield	Prepaid legal & theft svcs. September 2021
31	13159	9/27	\$ 529.65	NVB Equipment, Inc	A/C repairs NG-14 for solid waste truck
32	13160	9/27	\$ 119.00	Remington Pure	Water filtration service
33	13161	9/27	\$ 406.67	Snap-on Tools	Tools for Shop - Grinder kit
34	13162	9/27	\$ 6,810.44	Southern California Edison	District Offices, CNG Station and Lift Stations
35	13163	9/27	\$ 79.86	Time Warner Cable	Service from 09/17/21-10/16/21
36	13164	9/27	\$ 500.00	SDRMA - Property/Liability	Deductible for Manley Street Sewer Claim 04/01/1989
37			\$ 135,741.30	CHECKS SUBTOTAL	
38					
39				PAYROLL:	MEMO
40	ACH	9/21	\$ 79,305.81	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
41	ACH	10/1	\$ 6,557.04	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
42			\$ 85,862.85	ACH TRANSFERS SUBTOTAL	
43					
44				ACH PAYMENTS:	MEMO
45	ACH	9/21	\$ 15,923.69	CalPERS	Retirement Contributions for 09/06/21-09/19/21
46	ACH	9/21	\$ 4,801.31	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
47	ACH	9/21	\$ 835.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
48	ACH	10/1	\$ 711.00	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
49					
50			\$ 15,923.69	ACH TRANSFERS SUBTOTAL	
51					
52			\$ 237,527.84	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	

A motion was made by Director S. Contreras, seconded by President Pro-Tem C. Nguyen to approve the expenditures in the amount of \$ 237,527.84. The motion was approved by the following 3-0-0 vote:

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

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that he spoke with several other waste haulers while at the GarbageMan's Invitational Golf Tournament, that they all had major staff issues during the height of the COVID-19 pandemic and that the District did really well in comparison.

GM K. Robbins reported that the District submitted an application to the COVID-19 Fiscal Relief for Special Districts Fund through California Special Districts Association (CSDA) for the \$254,000 in unincumbered losses due to the pandemic, but that people who actually lost revenue would be the first to receive any financial reimbursement.

GM K. Robbins stated that the District office would be closed half-day on Thursday, December 23 and 30 and all day on Friday, December 24 and 31, 2021 for the Christmas and New Year's holidays. He stated that the solid waste drivers would be working on those days however, because they do not want to work on Sundays.

GM K. Robbins stated that he set it up so that the Board could call and make arrangements for their new portraits at their convenience. He also stated that he would need their new signatures for the District's annual calendar.

GM K. Robbins stated that the Board was provided with information regarding outreach done by CR&R and a schedule through the rest of the year.

Director T. Diep arrived at the meeting at 5:39 P.M.

Report from the Orange County Sanitation Meetings on Sept. 22 & 29, 2021

None

Report from the Radio Bolsa Show on Sept. 27, 2021

Directors T. Diep and S. Contreras reported that, along with the representative from CR&R, they provided a lot of condensed information to listeners and also gave out a direct landline to the District's representative from CR&R for issues.

Report from the Calendar Committee Meeting on Sept. 29, 2021

President Pro-Tem C. Nguyen reported that he, President A. Nguyen and GM K. Robbins met and incorporated a lot of new items into the 2022 calendar and that they anticipate a final draft would hopefully be provided to the Board for review at the November 2, 2021 meeting.

Report from Harassment Training on Oct. 2, 2021

Director M. Nguyen attended the training and reported that it was very informative, much better in person and he especially liked the Q & A at the end.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

A. Discussion and Consideration of Bids Received for the Addition and Remodel of the Midway City Sanitary District Office

There was discussion regarding the higher-than-expected bids that came in to the District for the remodel project and whether the District should go back out to bid for it, but with some specific qualifications for contractors who have had similar experience with this type of project before.

A motion was made by Director T, Diep, seconded by Director S. Contreras, to reject all current bids and send the RFP back out for more bids specific to the projects scope of work. The motion was approved by the following 4-0 vote:

AYES: S. Contreras, T. Diep, C. Nguyen, M. Nguyen

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

B. Discuss and Approve Recognition for Midway City Sanitary District Employees at Holiday Event

GM K. Robbins stated that he would like to have an outdoor event at the District on Saturday, December 11, 2021 at noon and to make it a barbeque so that employees' families can attend. He suggested a duffel bag and sports bottle with the District's logo for each employee.

Director T. Diep stated that the employee's gift card amount had not changed since he started in 2006 and that he felt that they should up the amount.

A motion was made by Director T. Diep, seconded by Director S. Contreras, to receive and file the General Manager's report on the District's holiday event and allow the General Manager to make the decision on employee recognition and to approve the holiday event at the District. The motion was approved by the following 4-0 vote:

AYES: S. Contreras, T. Diep, C. Nguyen, M. Nguyen

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

C. Consider Potential Appointments to Vacant Board of Directors Duties and Committees

Director S. Contreras stated that he cannot manage another separate Board at this time and would like to throw his alternate position on the Orange County Sanitation District in for consideration as well. He suggested Director M. Nguyen to the position since he is new and it would be good for him to learn about OCSan.

General Counsel James Eggart stated that the Orange County Sanitation District representative and alternate representative were appointed by the Board President and since the Board President was absent from this meeting, he suggested agendizing it for the next meeting.

A motion was made by Director S. Contreras, seconded by President Pro-Tem C. Nguyen, to nominate Director T. Diep to the acting Treasurer position. Director T. Diep accepted the nomination. The motion was approved by the following 4-0 vote:

AYES: S. Contreras, T. Diep, C. Nguyen, M. Nguyen

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

A motion was made by Director S. Contreras, seconded by President Pro-Tem C. Nguyen, nominate Director M. Nguyen to the fill the Secretary/Treasurer Pro-Tem position. The motion was approved by the following 4-0 vote:

AYES: S. Contreras, T. Diep, C. Nguyen, M. Nguyen

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

A motion was made by Director T. Diep, seconded by Director S. Contreras, to nominate Director S. Contreras to the Franchise Committee. The motion was approved by the following 4-0 vote:

AYES: S. Contreras, T. Diep, C. Nguyen, M. Nguyen

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

A motion was made by Director T. Diep, seconded by President Pro-Tem C. Nguyen, to nominate Director M. Nguyen to the Alternate Franchise Committee position. The motion was approved by the following 4-0 vote:

AYES: S. Contreras, T. Diep, C. Nguyen, M. Nguyen

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

D. Consideration of Conducting Teleconference Meetings Pursuant to Assembly Bill 361

General Counsel James Eggart stated that the Governors Executive Order authorizing exceptions to the Brown Act Teleconferencing Provisions expired on September 30, 2021. The legislature passed and the Governor signed a new bill, AB361, that continues to allow public agencies to meet virtually or remotely with relaxed rules but with some notable differences. AB361 sunsets at the end of 2024, only applies during a governor declared state of emergency (which we are still in due to COVID-19), and the Board would have to make one of two findings – 1) State and local officials have imposed or are recommending measures to impose social distancing, or 2) the Board would have to find that as a result of the emergency, meeting in person would present risks to attendees. The findings would have to be renewed every thirty days and the District would have to provide internet for the teleconference meeting.

Board discussion ensued.

General Counsel James Eggart stated that the Board could still hold teleconference meetings under the general rules, which would mean posting an agenda at the other location and giving the public access to that location.

A motion was made by Director T. Diep, seconded by President Pro-Tem C. Nguyen, to declare a need under AB361 to conduct Board meetings via teleconference for those who do not want to meet in person and direct staff to bring back a resolution to the next meeting. The motion was approved by the following 4-0 vote:

AYES: S. Contreras, T. Diep, C. Nguyen, M. Nguyen

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

INFORMATIONAL ITEMS

A. Independent Special Districts of Orange County (ISDOC) Quarterly Meeting via Zoom on Thursday, October 28, 2021 from 11:30 AM – 1 PM

Receive and file

BOARD CONCERNS/COMMENTS

All of the Directors expressed their concern for President A. Nguyen and hoped for his speedy recovery.

President Pro-Tem C. Nguyen reminded everyone of the Clean-up event at Sigler Park on Saturday, October 9, 2021 starting at 8 AM.

GM/STAFF CONCERNS/COMMENT

Finance/HR Director R. Housley stated that the auditors would do a call-in presentation of the District's audit at the next Board meeting.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel, James Eggart stated that California Governor Newsom signed some bills regarding solid waste and recycling into legislation this week including a one-year grace period for penalties or fines for Cities or Districts regarding SB1383, a bill preventing restaurants from providing single-use serviceware items like plastic forks, condiments, etc. and a bill modifying the rules governing representations of recyclability and when the chasing arrows symbol may be used to better reflect if products and packaging are indeed

recyclable. There are others and he stated he would make a list and provide it to the General Manager.

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 Pro-Tem C. Nguyen adjourned the meeting to Tuesday, October 19, 2021 at 5:30 P.M. at the District office at approximately 6:55 P.M.

S. Contreras
Sergio Contreras, Secretary