

**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 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.

April 21, 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 Tuesday, April 21, 2020 at 10:02 A.M.

BOARD MEMBERS PRESENT:

Margie L. Rice (via teleconference)
Andrew Nguyen (via teleconference)
Sergio Contreras (via teleconference)
Chi Charlie Nguyen (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 A. Nguyen led the Pledge of Allegiance. President C. Nguyen gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF APRIL 9, 2020 (Roll Call Vote)

A motion was made by Director A. Nguyen, seconded by President C. Nguyen, to approve the minutes of the special meeting of April 9, 2020. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 725,061.19 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	MEMO
1				CHECKS:	
2	11331	4/2	\$ 435.07	Bodyworks Equipment, Inc	Restock Heil parts, hydraulic tubes & rollers
3	11332	4/2	\$ 816.00	CRC Cloud	Maintenance & Support-April 2020
4	11333	4/2	\$ 2,923.52	Daniel's Tire Service	Tires for refuse trucks and 425's for NG12
5	11334	4/2	\$ 28.49	DIRECTV	Service for April 2020
6	11335	4/2	\$ 2,901.60	HB Staffing	Temporary Employee Week Ending 02/19 & 3/29
7	11336	4/2	\$ 232.70	Los Angeles Freightliner	Replacement steering wheel & windshield washer tank
8	11337	4/2	\$ 1,000.00	SFG Retirement Plan Consulting	Advisory Fees for 457(b) and OBRA Plans for Q1 2020
9	11338	4/2	\$ 300.00	Digital Deployment (Streamline)	Website Monthly Member Fee-April 2020
10	11339	4/2	\$ 29.80	Underground Service Alert/SC	(12) New Tickets for March 2020
11	11340	4/2	\$ 4,512.74	US Bank Corporate Payment	District Credit Cards
12	11341	4/10	\$ 1,470.00	Ayala's Car Wash	Fleet wash 3/30, 3/31, 4/2, 4/6
13	11342	4/10	\$ 2,894.95	Bodyworks Equipment, Inc	Restock hydraulic cylinder, cam followers & cushion kits for Heil system
14	11343	4/10	\$ 898.09	Wex Bank (Chevron)	Fuel Credit Card for March 2020
15	11344	4/10	\$ 529.71	Cintas	Uniform Services for 4/2 & 4/9
16	11345	4/10	\$ 170.46	City of Westminster	Water Service for Feb/Mar 2020 (District Offices, Maint. Shop, Wash Rack)
17	11346	4/10	\$ 114,957.84	CR Transfer Incorporated	Solid Waste and Organics Tonnage Fees 3/15/2020 through 3/31/2020
18	11347	4/10	\$ 2,717.00	Daniel's Tire Service	Re-stock tires for fleet (12)
19	11348	4/10	\$ 1,074.00	Frog Environmental, Inc	2019-20 4Q Storm Watering Monitor Service;Storm water run-off samples 3/12/20
20	11349	4/10	\$ 5,075.54	SoCal Gas	CNG Fuel for March 2020
21	11350	4/10	\$ 699.47	Hedman	EDP Signature Plate
22	11351	4/10	\$ 297.26	Los Angeles Freightliner	Restock windshield washer tanks for CCC trucks
23	11352	4/10	\$ 746.74	Merchants Building Maintenance	Janitorial Services for April 2020
24	11353	4/10	\$ 474,453.75	Orange County Sanitation District	Permit Fees for March 2020 (MCSO 5% = \$24,971.25)
25	11354	4/10	\$ 114.00	Remington Pure	March 2020 Water Filtration
26	11355	4/10	\$ 147.00	Rutan & Tucker, LLP	Personnel Legal Services for March 2020
27	11356	4/10	\$ 123.71	TrucPar Company	Restock brake cleaner & electrical tape
28	11357	4/10	\$ 750.00	So. Cal. Arborists	(9) Shrubs, (6) pigmy date palms, (9) king palms (10) fan palms
29	11358	4/14	\$ 77.50	Advanced Gas Products	Compressed Gas, N.O.S. Cylinder Rental for March 2020
30	11359	4/14	\$ 236.27	AT&T Mobility	Cell Phone Service for April 2020
31	11360	4/14	\$ 495.00	Ayala's Car Wash	Fleet wash 4/9, 4/13
32	11361	4/14	\$ 67.39	SoCal Gas	District Offices Usage Fees for March 2020
33	11362	4/14	\$ 1,612.00	HB Staffing	Temporary Employee Services Week Ending 04/05/2020
34	11363	4/14	\$ 10,412.50	Pumpman	3rd Qtr Pump System Planned Preventative Maint for Four Lift Stations

35	11364	4/14	\$ 3,887.68	SRDMA	Dental Insurance Premiums for March 2020
36	11365	4/14	\$ 23.95	SoCal Auto & Truck Parts Inc	Differential/hub lube for CCC & Macks
37	11366	4/14	\$ 4,488.10	Truck Gears Incorporated	NG-1 replacement parts for differential
38	11367	4/14	\$ 12.14	TrucPar Company	NG-1 replacement parts for hydraulic fitting
39	11368	4/14	\$ 1,781.95	Verizon	Internet Connection for April 2020
40			\$ 643,393.92	CHECKS SUBTOTAL	
41					
42				PAYROLL	
43	ACH	4/7	\$ 63,356.03	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
44	ACH	4/6	\$ 3,552.59	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Employees)
45	ACH	4/6	\$ 560.00	Nationwide Retirement Solutions	457 Roth (100% Paid By Employees)
46			\$ 67,468.62	ACH TRANSFERS SUBTOTAL	
47					
48				ACH PAYMENTS	
49	ACH	4/10	\$ 14,198.65	CalPERS	Retirement Contributions for 3/23/2020-04/05/2020
50			\$ 14,198.65	ACH TRANSFERS SUBTOTAL	
51					
52			\$ 725,061.19	TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL, ACH TRANSFERS)	
53					
54				BANK TRANSFERS	
55		4/10	\$ 200,000.00		Transfer Funds from Money Market to Checking Account

A motion was made by Director M. Rice, seconded by Director S. Contreras, to approve the expenditures in the amount of \$ 725,061.19. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

President C. Nguyen stated that he thought it would be a good idea to do a public radio announcement on Vietnamese Radio to inform the public of current situation on the Board of Directors with Director Krippner's passing and to thank him for his service, the service changes at the District due to COVID-19 - such as the suspended bulky item program, cancelled clean up events, etc. and additional spending costs for the District due to the MRF being closed at CR&R. He asked for the Board's approval for him and the General Manager.

Director M. Rice stated that it should be on the agenda for the rest of the Board to approve.

General Counsel James Eggart suggested that it be agendized for Board review, discussion and approval.

Report of General Manager

GM K. Robbins stated that he reached out to CR&R regarding possibly borrowing a front loader in order to pick up bulky items after the program is reinstated and possibly doing a large clean up event at the District. He has had phone inquiries as to the large volume of items that the District picks up while being a disadvantaged community.

Director M. Rice stated that she felt that this was the time to make changes to the bulky item program because there are people taking advantage of it.

GM K. Robbins reminded the Board that their 700 forms were due but that there was an extension granted until June 1, 2020.

CONSENT CALENDAR

A. Approve and file the Treasurer's Investment Report for March 2020
(Roll Call Vote)

B. Approve the March 2020 Financial Reports and Budget Review for the Period of July 1, 2019 through March 31, 2020
(Roll Call Vote)

A motion was made by President C. Nguyen, seconded by Director A. Nguyen, to approve the Consent Calendar. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 2020-03
(Roll Call Vote)

A RESOLUTION NO. 2020-03 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ESTABLISHING A POLICY APPLICABLE TO DISTRICT DEPOSITS AND INVESTED FUNDS

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve adoption of Resolution No. 2020-03, establishing Midway City Sanitary District's policy applicable to District deposits and invested funds as presented. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. RESOLUTION NO. 2020-04

(Roll Call Vote)

A RESOLUTION NO. 2020-04 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING THE ANNUAL STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2020-2021 (JULY 1, 2020 THROUGH JUNE 30, 2021)

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve adoption of Resolution No. 2020-04, establishing Midway City Sanitary District's investment policy as presented. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

C. RESOLUTION NO. 2020-05

(Roll Call Vote)

A RESOLUTION NO. 2020-05 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE 2020-2021 SALARY SCHEDULE

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director M. Rice, to approve adoption of Resolution No. 2020-05, adopting a District-wide salary schedule. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

D. Approval of Side Letter Agreement with American Federation of State, County and Municipal Employees, AFL-CIO Local 1734-01 (“AFSCME Local 1734”) Re Retroactive One-Time Ad Hoc Payments for Midway City Sanitary District Represented Employees Working During the COVID-19 Pandemic **(Roll Call Vote)**

A report of a summary of Staff’s recommendation was provided and considered by the Board. A motion was made by President C. Nguyen, seconded by Director S. Contreras, to approve and authorize the General Manager to execute the proposed side letter agreement with AFSCME Local 1734 for a retroactive one-time Ad Hoc payment for represented employees working during the COVID-19 pandemic. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

E. Consider Approval of RESOLUTION NO. 2020-06 **(Roll Call Vote)**

A RESOLUTION NO. 2020-06 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, PROVIDING A STIPEND TO UNREPRESENTED EMPLOYEES WORKING DURING THE COVID-19 PANDEMIC

A report of a summary of Staff’s recommendation was provided and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve Resolution No. 2020-06, providing a stipend to unrepresented employees working during the COVID-19 pandemic. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

F. Consider Approval of RESOLUTION NO. 2020-07 **(Roll Call Vote)**

A RESOLUTION NO. 2020-07 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, SPECIFYING AND GIVING NOTICE PURSUANT TO GOVERNMENT CODE SECTION 1780(e) THAT THE REGULARLY SCHEDULED GENERAL DISTRICT ELECTION ON NOVEMBER 3, 2020 SHALL BE USED TO FILL A VACANT BOARD OF DIRECTOR POSITION

General Counsel James Eggart stated that, per the Board's direction, he wrote a letter to County Counsel regarding the vacancy on the MCSD Board of Directors and had not yet received a response. He also prepared Resolution No. 2020-07 stating the Board's intent to fill that vacancy during the November general election.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director M. Rice, seconded by Director S. Contreras, to adopt Resolution No. 2020-07 specifying and giving notice that the vacant Board position will be filled at the November 3, 2020 general District election. The motion was approved by the following 4-0 roll call vote:

AYES: S. Contreras, A. Nguyen, C. Nguyen and M. Rice
NAYS:
ABSTAIN:
ABSENT:

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

Director S. Contreras thanked the Board for supporting MCSD employees with the stipend and for approving Resolution No. 2020-07 which will allow the vacant Board position to be filled during the November general election in order for the process to be fair. He also thanked GM K. Robbins for everything during the pandemic.

Director A. Nguyen thanked everyone and stated that his wife was in the hospital due to a stroke.

Director M. Rice gave her condolences to Director A. Nguyen and said that she admired his strength. She also thanked the Board for adopting Resolution No. 2020-07 regarding the vacant Board position because she has been getting a lot of upsetting phone calls. She also suggested that the general election to fill the Board vacancy position should be mentioned during the radio outreach when done.

President C. Nguyen thanked everyone and also gave his condolences to Director A. Nguyen and stated that he had spoken to Director A. Nguyen and that he was not able to visit her in the hospital.

Director S. Contreras gave Director A. Nguyen his condolences and stated that he was strong but that he could count on him if he needed anything.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins echoed everyone's condolences to Director A. Nguyen and stated that he could not imagine not being able to visit his wife if she was sick in the hospital. He stated that he would coordinate with Directors S. Contreras and C. Nguyen for signatures on the resolutions.

Finance/HR Director R. Housley thanked the Board for passing the resolutions and approving the stipends. He stated that there was another budget meeting scheduled for Tuesday, April 28, 2020 at 10 A.M. He stated that if Director A. Nguyen needed anything to let him know.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel James Eggart gave Director A. Nguyen his deep condolences and stated that regarding Resolution No. 2020-07, once that was fully executed the General Manager would forward it to the Orange County Registrar of Voters.

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 C. Nguyen adjourned the meeting to Tuesday, April 28, 2020 at 10:00 A.M. at the District office at approximately 11:09 A.M.

Sergio Contreras
Sergio Contreras, Secretary