

**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**

January 4, 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, January 4, 2022 at 5:34 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep (via teleconference)
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 (via teleconference)
Danielle Gerardo, Executive Board 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 DEC. 21, 2021
(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 December 21, 2021. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

(Roll Call vote)

A. Demands in the amount of \$ 374,807.65

Date	AMOUNT	VENDOR	
		CHECKS:	MEMO:
12/15	\$ 292.94	Desiree Causey	Claim for mailbox damaged by trash truck
12/21	\$ 394.53	AT&T	Brookhurst lift station phone & internet
12/21	\$ 102.23	AT&T Mobility	Cell phone service
12/21	\$ 225.00	Ayala's Car Wash	Fleet vehicle wash 12/15/21
12/21	\$ 360.40	Cintas	Employee uniform services for 12/16/21
12/21	\$ 191.80	City of Westminster-Water Billing	District Offices 10/20-12/14/21
12/21	\$ 84.94	City of Westminster	Hydrant water service 11/16-12/15/21
12/21	\$ 36,520.55	CR Transfer	Organic Tonnage Fees 11/16-11/30/21
12/21	\$ 662.75	Daniel's Tire Service	Restock tires for solid waste
12/21	\$ 1,674.00	HB Staffing	12/06 - 12/12/21 for temp services
12/21	\$ 432.43	Hillco Fastener Warehouse Inc	Restock electrical supplies for solid waste trucks
12/21	\$ 3,639.60	Hydraforce, Inc.	Stock hydraulic cylinders for solid waste trucks
12/21	\$ 53,795.38	Otto Environmental Systems	(320) 95 gallon blue carts and (531) 65 gallon black carts for restock
12/21	\$ 254.48	Pitney Bowes Global Financial Services	Leasing payment for 01/10/22-04/09/22
12/21	\$ 352.26	Purchase Power	Postage-Dec. 2021
12/21	\$ 50.00	Raul Martinez	2021 reimbursement for overpayment
12/21	\$ 119.00	Remington Pure	Water filtration service Dec 2021
12/21	\$ 3,800.00	Rengel + Company Architects, Inc	Soils engineering
12/21	\$ 255.37	SoCal Auto & Truck Parts, Inc.	Restock tailgate seal hose for solid waste trucks
12/21	\$ 466.20	SoCal First Aid & Safety	Restock first aid kits
12/21	\$ 73.60	SoCalGas	District Offices Dec-2021
12/21	\$ 1,349.00	Time Warner Cable	Television service
12/21	\$ 17,834.00	State Water Resources (SWRCB)	Annual permit fees for 07/01/200-06/30/2021
12/21	\$ 4,168.69	Tesco Controls, Inc.	Annual extended maintenance and system services
12/21	\$ 13,743.82	US Bank Corporate Payment Systems	District Credit Cards
12/21	\$ 9,163.00	Woodruff, Spradlin & Smart	Legal Services Dec-2021
12/21	\$ 33.90	LegalShield	Prepaid legal & theft svcs. Dec- 2021
12/21	\$ 4,443.52	SDRMA - Employee Benefits	Dental and Vision benefits Dec-2021
12/23	\$ 57,294.25	CR Transfer	Residential waste tonnage fees 11/16 - 11/30/21
12/24	\$ 1,674.00	HB Staffing	12/13 - 12/19/21 for temp services
	\$ 213,451.64	CHECKS SUBTOTAL	
		PAYROLL:	MEMO
12/3	\$ 733.50	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
12/28	\$ 91,018.97	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
12/28	\$ 4,947.04	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
12/28	\$ 1,413.28	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
	\$ 98,112.79	ACH TRANSFERS SUBTOTAL	
		ACH PAYMENTS:	MEMO
12/20	\$ 296.19	Paychex	Paychex time module
12/28	\$ 16,865.04	CalPERS	Retirement Contributions for 12/13-12/26/21
1/3	\$ 56,858.08	CalPERS	Active Employee and Retiree Health Ins Premiums Jan- 2021
1/3	\$ 6,385.14	CalPERS	Board of Directors Health Insurance Premiums for Jan- 2021
	\$ 63,243.22	ACH TRANSFERS SUBTOTAL	
	\$ 374,807.65	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	

		BANK TRANSFERS:	
11/18	\$ 2,800,000.00	Transfer Funds from Union Bank Checking to Money Market	
	\$ 2,800,000.00	BANK TRANSFERS	

A motion was made by Director M. Nguyen, seconded by Director C. Nguyen, to approve the expenditures in the amount of \$374,807.65. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

President A. Nguyen wished everyone a happy New Year.

Report of General Manager

GM K. Robbins reported that SB1383 went into effect on January 1, 2022 and that the District is in compliance, but that the District is getting calls regarding it.

GM K. Robbins reported that there were seven contractors who came through to do a job walk on Tuesday, January 4 at the District for the remodel project. He stated that the bids are due by February 1, 2022 and will be opened in front of all the contractors and then staff will hopefully bring a recommendation to the Board at the first or second meeting in March.

GM K. Robbins reported that he was hoping for a possible large clean up event at the District in March to coincide with the contractors.

CONSENT CALENDAR

None

OLD BUSINESS

- A. Consider Amendment to Legal Agreement with Rutan & Tucker, LLP Providing for Increased Hourly Billing Rates for Legal Counsel Services Commencing on January 1, 2022 **(Roll Call Vote)**

A motion was made by Director M. Nguyen, seconded by Director C. Nguyen, to approve the proposed amendment to the existing agreement for legal services with Rutan & Tucker, LLP to increase the hourly rate from \$245.00 to \$257.00. The motion was approved by the following 5-0 roll call vote:

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

NEW BUSINESS

A. RESOLUTION NO. 2022-01 ***(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 S. Contreras, seconded by President A. Nguyen to approve Resolution No. 2022-01. The motion was approved by the following 5-0 roll call vote:

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

Director T. Diep left the meeting at 5:46 P.M.

B. Consider Claim Against the District from Ana Valladares ***(Roll Call vote)***

A motion was made by Director S. Contreras, seconded by Director C. Nguyen, to follow SDRMA's recommendation and send a Notice of Rejection of the claim filed on December 3, 2021 by Ana Valladares. 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

INFORMATIONAL ITEMS

- A. Independent Special Districts of Orange County (ISDOC) Quarterly Luncheon Meeting via Zoom on Thursday, January 27, 2022

Receive and file.

BOARD CONCERNS/COMMENTS

Director M. Nguyen wished everyone a happy New Year and stated he was looking forward to the lunar New Year.

Director C. Nguyen wished everyone a happy New Year and thanked everyone for the gifts. He also warned everyone about the new COVID variance because the numbers are up.

President A. Nguyen asked if the District received enough COVID test kits for staff and Board members.

Finance/HR Director R. Housley stated that the District received 250 test kits from the County, hasn't disbursed any as of yet and hopes that it is enough to sustain the District for a while.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins wished everyone a happy New Year and happy birthday to President A. Nguyen and Director S. Contreras.

Director C. Nguyen asked how many test kits the Board of Directors could have.

Finance/HR Director R. Housley stated that he would provide each Board member with one or two but is waiting to hear the latest from OSHA because the District may have to test unvaccinated employees weekly. It will be each employees responsibility but these were free from the County and he would like to have them just in case they are needed.

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 to Tuesday, January 18, 2022 at 5:30 P.M. at the District office at approximately 5:55 P.M.

Sergio Contreras

Sergio Contreras, Secretary