

**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.

July 7, 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, July 7, 2020 at 4:00 P.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

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

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF JUNE 16, 2020 (Roll Call Vote)

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the minutes of the special meeting of June 16, 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 \$ 225,144.78 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	MEMO
1				CHECKS:	
2	11520	6/11	\$ 7,003.75	NVB Equipment	Fire suppression system for NG-3
3	11521	6/11	\$ 900.00	Digital Deployment dba Streamline	Website Monthly Member Fee: Jan-March 2020
4	11522	6/18	\$ 220.03	AT&T Mobility	Cell Phone Service for June 2020
5	11523	6/18	\$ 845.00	Ayala's Car Wash	Fleet wash 6/11, 6/15
6	11524	6/18	\$ 4,892.32	Bodyworks Equipment, Inc	Cylinders for Heil system loader,Solid Waste cable carrier&wire harness
7	11525	6/18	\$ 287.13	Cintas	Uniform Services for 6/11
8	11526	6/18	\$ 84,288.22	CR Transfer Incorporated	Solid Waste and Organics Tonnage Fees 5/16/2020 through 5/30/2020
9	11527	6/18	\$ 4,948.68	Cummins Sale & Service	Extension, ignition coil and spark plug kit for CCC and Mack trucks
10	11528	6/18	\$ 60.80	SoCal Gas	District Offices Usage Fees for May 2020
11	11529	6/18	\$ 1,059.30	NVB Equipment	A/C repairs to NG-5
12	11530	6/18	\$ 254.48	Pitney Bowes	Postage Machine Lease 07/10/20-10/09/20
13	11531	6/18	\$ 150.00	Purchase Power	Postage for Postage Machine May 2020
14	11532	6/18	\$ 221.64	Socal Auto & Truck Parts Inc	Restock parts for refuse equipment and shortage on inv #33936
15	11533	6/18	\$ 6.47	Southbay Truck Center	Clamp-exhaust, u-bolt assembly for demo truck (Solid Waste)
16	11534	6/18	\$ 79.13	TrucPar Company	Brake clean for shop use
17	11535	6/18	\$ 1,781.95	Verizon	Internet Connection for June 2020
18	11536	6/18	\$ 4,333.50	Woodruff, Spradlin & Smart	Legal Services for May 2020
19	11537	6/19	\$ 360.00	Ayala's Car Wash	Fleet wash 6/18
20	11538	6/19	\$ 287.13	Cintas	Uniform Services for 6/18
21	11539	6/19	\$ 56.23	City of Westminster	Hydrant Water Service for June 2020
22	11540	6/19	\$ 435.30	Hose-Man, Inc	Restock fittings for CCC
23	11541	6/19	\$ 81.53	Tell Steel	Flat exp metal for Demo truck (Solid Waste)
24	N/A	3/5	\$ 753.34	TEC of California, Inc	Solid Waste fleet driver seat & seat adaptor
25	N/A	5/29	\$ 34.21	TEC of California, Inc	Replacement hose for coolant leak on NG-15
26	N/A	6/3	\$ 742.57	TEC of California, Inc	Restock filters for CCC & Macks
27	N/A	6/18	\$ 301.59	TEC of California, Inc	Solid Waste fleet alternator
28	N/A	6/10	\$ 543.23	TEC of California, Inc	Exhaust parts for CCC & Mack trucks
29	N/A	6/15	\$ 77.89	TEC of California, Inc	Tube CPR for NG-1
30	N/A	6/16	\$ 684.50	TEC of California, Inc	Pipe, 90 degree parts for Demo truck
31	N/A	6/16	\$ 178.82	TEC of California, Inc	Restock filters for Mack truck
32	N/A	6/16	\$ 102.10	TEC of California, Inc	Tube CPR for NG-1
33	N/A	6/16	\$ 77.89	TEC of California, Inc	Restock tube CPR for CCC
34	Credit	10/3	\$ (90.06)	TEC of California, Inc	Core return
35	Credit	10/4	\$ (334.56)	TEC of California, Inc	Core return
36	Credit	10/18	\$ (139.64)	TEC of California, Inc	Core return
37	Credit	10/18	\$ (1,364.17)	TEC of California, Inc	Over the counter parts warranty for caliper
38	Credit	3/30	\$ (29.09)	TEC of California, Inc	Core return
39	Credit	4/30	\$ (307.24)	TEC of California, Inc	Core return
40	Credit	4/23	\$ (206.03)	TEC of California, Inc	Core return
41	Credit	4/24	\$ (82.75)	TEC of California, Inc	Cone fitting return
42	Credit	4/27	\$ (69.82)	TEC of California, Inc	Core return
43	Credit	7/3	\$ (872.78)	TEC of California, Inc	Core return
44			\$ 112,552.59		
45					

45					
46				PAYROLL	
47	ACH	5/1	\$ 4,480.31	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
48	ACH	6/5	\$ 3,213.44	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
49	ACH	6/26	\$ 3,213.44	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
50	ACH	6/16	\$ 82,881.22	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
51	ACH	6/5	\$ 242.72	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
52	ACH	6/15	\$ 3,572.49	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Employees)
53	ACH	6/15	\$ 560.00	Nationwide Retirement Solutions	457 Roth (100% Paid By Employees)
54			\$ 98,163.62	ACH TRANSFERS SUBTOTAL	
55					
56					
57					
58				ACH PAYMENTS	
59	ACH	6/18	\$ 14,428.57	CalPERS	Retirement Contributions for 06/01/2020-06/14/2020
60			\$ 14,428.57	ACH TRANSFERS SUBTOTAL	
61					
62			\$ 225,144.78	TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL, ACH TRANSFERS)	
63					
64				BANK TRANSFERS	
65	LAIF	6/18	\$250,000.00	Transfer Funds from LAIF to UB Checking Account	

A motion was made by Director M. Rice, seconded by Director S. Contreras, to approve the expenditures in the amount of \$ 225,144.78. 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 reminded the Board of the Special Meeting for radio outreach to be done at 10141 Westminster Avenue, Unit 11 in Garden Grove on Friday, July 10, 2020 at 10:30 A.M.

Report of General Manager

GM K. Robbins reported that the District has received a Large District Safety Award from SDRMA (Special Districts Risk Management Authority) for not having any accidents, injuries or claims and that he would like to schedule a social distancing luncheon to present the award in August or September.

GM K. Robbins reported that residents demanding 2nd black containers are being told that there is a charge of \$177 per year per Ordinance #69 and are being encouraged to get an additional blue instead in order to recycle properly.

GM K. Robbins stated that he would like to schedule a Calendar Committee meeting for the 2021 calendar with Directors M. Rice and A. Nguyen.

GM K. Robbins stated that semi-annual 460 or 470 forms were due to the Orange County Registrar of Voters by July 31, 2020 and that they would need to be done online.

Report from Orange County Sanitation District (OCSD) Meeting on June 24, 2020

Director A. Nguyen reported that OCSD approved their two year budget and that there were now five employees who tested positive for COVID-19.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

A. Consider Approval of 31-Day Extension to Temporary Addendum to Exclusive Franchise Agreement with CR&R Incorporated Regarding Temporary Transfer and Disposal of Recyclable Materials during COVID-19 Emergency
(Roll Call Vote)

GM K. Robbins stated that CR&R was hoping to be fully operational by the beginning of July but that they are now pushing it back to the end of July because they have not completed getting their sorting line in place in order to safely protect employees from COVID-19. He stated that the District has \$100,000 budgeted for this additional cost to the District.

Director M. Rice stated that she is not in favor of extending the temporary addendum because the District is losing money and shouldn't continue to as it is costing the taxpayers. She asked if CR&R had at least offered to reimburse the District or cover a portion of the cost to the District and that the Board should negotiate with CR&R for the cost of the recyclables being taken to the landfill due to the pandemic.

GM K. Robbins stated that the Board could schedule a franchise committee meeting to discuss this item with CR&R.

Director A. Nguyen asked what the cost would be if it were split in half.

GM K. Robbins stated that the cost to the District at this time is \$49 per ton and that if it was split in half it would be \$24.50 per ton.

Director A. Nguyen asked if the Board could negotiate with CR&R for the cost and bring back a new recommendation to the next meeting.

Director S. Contreras asked GM K. Robbins what his recommendation was.

GM K. Robbins stated that he recommended that the District extend the temporary addendum until the end of July. He stated that he also sent an email to CR&R asking them how and when they planned to open the recycling line back up because the District did not plan to go beyond July with the extension.

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 M. Rice, to schedule a franchise committee meeting with CR&R to discuss another 31-day extension to the temporary addendum to the exclusive franchise agreement between CR&R and the District for the disposal of recyclables during the COVID-19 pandemic and to bring a recommendation back to the Board at the next meeting. 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. Consideration of Approval of Updated Orange County Operational Area Agreement
(Roll Call Vote)

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 the updated Orange County Operational Area Agreement. 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. Consider Approval to Auction or Sell Midway City Sanitary District Surplus Equipment – 2001 Ford F350 Boom Truck and 1990 Coats Tire Machine
(Roll Call Vote)

President C. Nguyen asked what the original cost of the 2001 Ford F350 Boom truck was and what GM K. Robbins thought the District could get for it.

GM K. Robbins stated that he didn't know how much the District paid for the truck in 2002 but hopes that the District gets around \$10,000 due to the low mileage.

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 M. Rice, to approve to auction or sell Midway City Sanitary District's surplus equipment consisting of a 2001 Ford F350 boom truck and a 1990 Coats tire machine. 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. Discuss and Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meeting on Tuesday, July 21, 2020 at 5:30 P.M. to a Special Teleconference Meeting at 4 P.M. due to 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 Director S. Contreras, seconded by Director M. Rice, to approve changing the regularly scheduled Board meeting on Tuesday, July 21, 2020 at 5:30 P.M. to a Special Teleconference meeting at 5 P.M. due to 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:

INFORMATIONAL ITEMS

A. Independent Special Districts of Orange County (ISDOC) Virtual Zoom Meeting on Thursday, July 23, 2020 from 11:30 A.M. – 1 P.M.

B. Thank You Letter from the Midway City Sanitary District Board of Directors to CR&R

C. Orange County Registrar of Voters Information Regarding Candidate Filing Period (Monday, July 13, 2020 through Friday, August 7, 2020)

D. Special District Risk Management Authority (SDRMA) 2018-19 Annual Report

Receive and file.

BOARD CONCERNS/COMMENTS

Director S. Contreras thanked the Board and staff for their flexibility regarding Board teleconference Board meeting times during the COVID-19 pandemic.

Director M. Rice stated that she was happy that everyone was well.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins asked Board members to let staff know if they were planning to attend the ISDOC virtual Zoom meeting on Thursday, July 23, 2020 from 11:30 A.M. to 1 P.M. so that staff could register them for the event.

GM K. Robbins stated that Finance/HR Director R. Housley looked up the cost to the District for the 2001 Ford F350 boom truck and that it was originally purchased for \$24,975.

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 C. Nguyen adjourned the meeting to Friday, July 10, 2020 at 10:30 A.M. at the District office at approximately 4:44 P.M.

Sergio Contreras
Sergio Contreras, Secretary