

**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**

June 27, 2023

CALL TO ORDER

President Pro Tem M. 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, June 27, 2023 at 5:30 PM.

BOARD MEMBERS PRESENT:

Tyler Diep (arrived @ 5:39 PM)
Andrew Nguyen
Chi Charlie Nguyen
Sergio Contreras
Mark Nguyen

STAFF PRESENT:

Nick Castro, Acting GM/Dir. of Operations/Safety
Siamlu Cox, Director of Finance/HR
Milo Ebrahimi, Engineer PE
Cynthia Olsder, Executive/Board Secretary

OTHERS PRESENT:

James H. Eggart, Legal Counsel Woodruff & Smart
Joseph D. Larsen, Rutan & Tucker, LLP

PLEDGE AND INVOCATION

Director M. Nguyen led the Pledge of Allegiance. Director S. Contreras gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON JUNE 6, 2023

A motion was made by Director A. Nguyen, seconded by Director C. Nguyen, to approve the minutes of the Regular Meeting on June 6, 2023. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$796,855.47

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14673	5/31	400.00	City of Westminster	Flow Monitor Permit @ Mall
2	14674	6/1	1,063.67	Advanced Office	Ricoh copier toner (5)
3	14675	6/1	2,503.00	Advanced Thermal Products, Inc	Exhaust fire blankets (2) NG-2 Cab firewall Insulation (6) NG-2
4	14676	6/1	46.00	AFSCME District Council 37	Juan Arvizu Sr. Dues 04/17 - 05/14/23
5	14677	6/1	500.00	Ayala's Car Wash	Fleet wash 05/24/23
6	14678	6/1	10,748.07	Bodyworks Equip. Inc.	Packer paddle kit NG-10
7	14679	6/1	41.55	City of Westminster-Water Billing	Hammon Lift Station and Westminster Lift Station 03/29 - 05/23/23
8	14680	6/1	30.00	Cynthia Loan Olsder	Intern Appreciation 05/25/23
9	14681	6/1	3,081.79	Daniels Tire Service	Recap tires (4) and Front tires (4)
10	14682	6/1	1,063.50	Dartco Transmission Sales & Srvs.	Transmission filter kits (12)
11	14683	6/1	601.39	Frontier Communications	(714)903-1863 Willow May - 2023
12	14684	6/1	213.14	Haaker Equipment Co.	Drain valves gaskets (4)
13	14685	6/1	139.71	Hillco Fastener Warehouse Inc.	Washers, flange bolts, wire ties
14	14686	6/1	520.00	Kenneth J. Robbins Jr.	Engineer Consulting 05/05, 05/08 05/19 (4)
15	14687	6/1	190.00	MemorialCare Medical Foundation	Medical Exams & Testing
16	14688	6/1	399.53	Motion and Flow Control Products, Inc.	Hydraulic fittings(2) NG-5
17	14689	6/1	21,907.00	Performance Pipeline Technologies	8" CIPP Line 350' Shawnee Road MH 458-419
18	14690	6/1	66,807.50	Rengel + Company Architects, Inc	Building Proj Mgt May-2023
19	14691	6/1	389.87	Snap-On Tools	Fiberglass grip handle (2)
20	14692	6/1	243.39	SoCal Auto & Truck Parts, Inc.	Sandpaper (2)
21	14693	6/1	8,475.36	Southern California Edison	Willow May-2023
22	14694	6/1	1,427.20	Standard Insurance Company Life	Jun - 2023
23	14695	6/1	300.00	Streamline	Website hosting June- 2023
24	14696	6/1	282.16	UniFirst Corporation	Uniforms & Laundry Service May -2023
25	14697	6/1	290.50	Union Bank (NC)	District credit cards May-2023
26	14698	6/1	402,640.11	Woodcliff Corporation - Contractor	Building Proj Pay Application #7 Apr-23
27	14699	6/1	21,191.58	Woodcliff Corporation - Escrow Account	Building Project #7 Apr-2023 - Retention Payment
28	14700	6/8	320.00	Ayala's Car Wash	Fleet wash 05/31/23
29	14701	6/8	232,255.73	CR Transfer, Inc.	Tonnage Fees May-2023
30	14702	6/8	2,282.75	CRC Cloud	Domain Registration Integration, Maintenance & Support Jun-2023
31	14703	6/8	1,798.54	Daniels Tire Service	Rear Tires NG-12
32	14704	6/8	178.26	Hillco Fastener Warehouse Inc.	Nuts and bolts NG-6
33	14705	6/8	80.00	MemorialCare Medical Foundation	Pre-Employment Exam S.Cox
34	14706	6/8	828.36	Merchants Building Maintenance, LLC	Janitorial Services Jun-2023
35	14707	6/8	8,400.53	SoCalGas	CNG Station May-2023
36	14708	6/8	313.02	Staples Business Credit	Office Supplies May-2023
37	14709	6/8	1,900.00	Studio E. Interiors	Furniture programming, selection, budget
38	14710	6/8	2,969.51	Sunrise Automotive	Engine Repairs S-2
39	14711	6/8	32.75	Underground Service Alert	Underground Dig Alerts May-2023
40			\$ 796,855.47	CHECKS SUBTOTAL	
41					
42				PAYROLL:	MEMO
43	ACH	5/31	\$ 84,233.85	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
44	ACH	5/31	\$ 5,881.93	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
45	ACH	6/2	\$ 7,939.13	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
46	ACH	6/2	\$ 846.00	Nationwide Retirement Solutions	457 Deferred Compensation (Board of Directors)
47			\$ 98,900.91	ACH TRANSFERS SUBTOTAL	
48					
49				ACH PAYMENTS:	MEMO
50	ACH	5/25	\$ 72.00	WEX Health	HRA Monthly Fee Apr-23
51	ACH	6/6	\$ 15,870.70	CalPERS	Retirement Contributions for 05/01 - 05/14/23
52			\$ 15,942.70	ACH TRANSFERS SUBTOTAL	
53					
54			\$ 911,699.08	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
55					

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve the expenditures in the amount of \$796,855.47. The motion was approved by the following 4-0 vote:

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

REPORTS

Report of President:

None

Report of General Manager

None

Report from the Franchise Committee Meeting on June 9, 2023

Director S. Contreras and Director M. Nguyen both attended the meeting and reported that the SB1383 waiver process had already begun.

Report from the Clean-up Event at Coronet Park on June 10, 2023

President T. Diep and Director A. Nguyen both attended the clean-up event and reported that all outreach efforts made to publicize it were successful. By 10:30 am, all the metal bins were full. Director A. Nguyen thanked Staff for their service.

President T. Diep arrived at 5:39 PM and assumed chairmanship of the meeting.

Report from the Little Saigon 35th Anniversary Event on June 10, 2023

Director C. Nguyen reported that he attended the event with Director A. Nguyen and President T. Diep and noted that it was a successful event attended by many politicians.

Report from the Chamber of Commerce Luncheon on June 14, 2023

President T. Diep attended the luncheon with Director A. Nguyen along with Staff and reported that it was described as an educational opportunity to learn about the crime that is taking place in Westminster.

Report from the Outreach Committee Meeting on June 15, 2023

Both Directors C. Nguyen and A. Nguyen met with staff to discuss the radio program for July and to finalize any outstanding details for the compost event.

Report from the Me Vietnam Radio Outreach on June 16, 2023

Director A. Nguyen, Director C. Nguyen and Gabrielle from CR&R attended the radio program to discuss SB 1383 and all the services the district offers.

Report from the Building Project Ad Hoc Committee Meeting on June 6 & 20, 2023

Director M. Nguyen and Director S. Contreras either attended the meeting in person or received a status update from GM R. Housley.

Report from the VietLink Radio Outreach on June 21, 2023

Director M. Nguyen and Director A. Nguyen attended the radio recording to discuss the District's services and forthcoming events.

Report from the ISDOC Virtual Quarterly Meeting on June 22, 2023

Directors C. Nguyen, S. Contreras, and M. Nguyen all attended the event and reported that new policies and regulations were discussed.

Report from the Little Saigon 35th Appreciation Dinner on June 23, 2023

Director A. Nguyen and President T. Diep attended the appreciation dinner and reported that it was well attended.

CONSENT CALENDAR

- A. Approve and File the Treasurer’s Investment Report for May 2023
- B. Approve the Engineer Report for May 2023
- C. Approve the June 15, 2023, Outreach Committee Recommendations
- D. Approve the June 9, 2023, Franchise Committee Report

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the Consent Calendar. The motion was approved by the following 5-0 vote:

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

OLD BUSINESS

None

NEW BUSINESS

- A. A RESOLUTION NO. 2023-15 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 staff report and recommendations were provided and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve adoption of Resolution No. 2023-15, establishing a policy applicable to district deposits and invested funds. The motion was approved by the following roll call 5-0 roll call vote:

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

B. A RESOLUTION NO. 2023-16 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 2023-2024 (JULY 1, 2023 THROUGH JUNE 30, 2024)

A staff report and recommendations were provided and considered by the Board. A motion was made by Director M. Nguyen, seconded by Director A. Nguyen, to approve adoption of Resolution No. 2023-16, approving the annual statement of investment policy for fiscal year 2023-2024 (July 1, 2023 through June 30, 2024). The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

C. A RESOLUTION NO 2023-17 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE 2023-2024 SALARY SCHEDULE FOR NON-REPRESENTED EMPLOYEES

A staff report and recommendations were provided and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve adoption of Resolution No. 2023-17, adopting the 2023-2024 salary schedule for non-represented employees. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

D. Consider Discussion Regarding the Building Ad Hoc Committee Attendance for the Purposes of Reviewing Matters Related to the District's Building and Solar Project

A staff report was provided and considered by the Board, and the Board discussed appointment of an alternate to the Committee. The consensus of the Board was not to appoint an alternate at this time. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to receive and file Staff's report. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

Director A. Nguyen thanked staff for their hard work.

GM/STAFF CONCERNS/COMMENT

Acting GM N. Castro shared that GM R. Housley is on vacation and will return on July 5th, 2023. He also shared that he will be traveling starting tomorrow and returning on July 11th, and Director of Finance/HR Siamlu will be available if needed.

Acting GM N. Castro reminded the Board of the District Luncheon on June 28th.

LEGAL 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.

- A. Support FAF Conference with Legal Counsel – Existing Litigation (Gov. Code Section 54956.9(d)(1)) Jacob Watson v. Midway City Sanitary District, WCAP Case No. ADJ706291

The Board convened into closed session at 6:15 p.m.

President T. Diep reconvened the open session portion of the meeting at 6:24 PM.

General Counsel J. Eggart reported that the Board had met in closed session pursuant to Government Code Section 54956.9(d)(1), as noted on Agenda No. 14A, and that no reportable action had been taken.

ADJOURNMENT

President T. Diep adjourned the meeting at 6:24 PM to the next Board Meeting to be held at the District on Tuesday, July 18, 2023, at 5:30 PM.

Andrew Nguyen, Secretary