

**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**

EVERYONE WHO ATTENDED THIS HYBRID/TELECONFERENCE MEETING ATTENDED IN PERSON; HOWEVER, PARTICIPANTS WERE ELIGIBLE TO ATTEND 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.

August 3, 2021

CALL TO ORDER

President A. Nguyen called the regular in-person hybrid/teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, August 3, 2021 at 5:31 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep
Sergio Contreras (arrived @ 5:33 PM)
Chi Charlie Nguyen
Andrew Nguyen

OTHERS AT MEETING:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Executive Board Secretary
Leanne Luu, Administrative Secretary/HR Coordinator
Tiffany Brown, Owner of WOW Events

PLEDGE AND INVOCATION

Director T. Diep led the Pledge of Allegiance. GM K. Robbins gave the Invocation and made a special dedication to Director Margie Rice.

PUBLIC COMMENTS

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JULY 20, 2021
(Roll Call Vote)**

A motion was made by Director C. Nguyen, seconded by Director T. Diep, to approve the minutes of the regular meeting of July 20, 2021. The motion was approved by the following 3-0 roll call vote:

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

Director S. Contreras arrived at the meeting at 5:33 P.M.

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$159,687.57 (Roll Call Vote)

| # | CK # | Date | AMOUNT | VENDOR | |
|----|-------|------|---------------|--|--|
| 1 | | | | CHECKS: | MEMO |
| 2 | 12949 | 7/20 | \$ 110.21 | AT&T Mobility | Cell Phone Service |
| 3 | 12950 | 7/20 | \$ 225.00 | Ayala's Car Wash | Fleet vehicle wash 7/03/21 |
| 4 | 12951 | 7/20 | \$ 263.28 | Cintas | Employee uniform services for 7/15 |
| 5 | 12952 | 7/20 | \$ 1,155.00 | City of Westminster | 2nd Qtr Over The Top Fees Apr, May, June 2021 |
| 6 | 12953 | 7/20 | \$ 399.50 | County City Towing, Inc. | Tow service for NG9 Solid Waste truck |
| 7 | 12954 | 7/20 | \$ 2,132.33 | Daniel's Tire Service | Restock and recap tires for Solid Waste trucks |
| 8 | 12955 | 7/20 | \$ 789.36 | Dartco Transmission Sales & Svcs. | Transmission repairs to NG-7 Solid Waste truck |
| 9 | 12956 | 7/20 | \$ 58.28 | SoCalGas | CNG Station, District offices, mechanics shop, and wash rack |
| 10 | 12957 | 7/20 | \$ 1,450.80 | HB Staffing | 07/05/21-07/11/21 for Daveta Kelley-Bishop |
| 11 | 12958 | 7/20 | \$ 399.26 | Hose-Man, Inc. | Replacement hydraulic hoses for NG-4 Solid Waste |
| 12 | 12959 | 7/20 | \$ 115.00 | Petty Cash-Ken Robbins | June office supplies and operating expenses |
| 13 | 12960 | 7/20 | \$ 150.00 | Purchase Power | Postage-June2021 |
| 14 | 12961 | 7/20 | \$ 148.94 | SoCal Auto & Truck Parts, Inc. | Brake pads and brake fluid for M-2 Admin. |
| 15 | 12962 | 7/20 | \$ 1,349.00 | Time Warner Cable | Internet service from 07/09/21-08/08/21 |
| 16 | 12963 | 7/20 | \$ 300.00 | Streamline | Website Monthly Member Fee July 2021 |
| 17 | 12964 | 7/20 | \$ 196.82 | TrucPar Company | Equipment for Shop use |
| 18 | 12965 | 7/20 | \$ 464.36 | Snap-On Tools | Tools for Shop |
| 19 | 12966 | 7/21 | \$ 300.00 | JTR Specialties | Labor for repair to Main Control Valve for NG-7 |
| 20 | 12967 | 7/27 | \$ 190.00 | Asbury Environment Services | (100) & (250) Gallons Used Oil/Mixed Pick Up |
| 21 | 12968 | 7/27 | \$ 341.42 | AT&T | Brookhurst Lift Station Phone & Internet |
| 22 | 12969 | 7/27 | \$ 490.00 | Ayala's Car Wash | Fleet vehicle wash 7/19/21 |
| 23 | 12970 | 7/27 | \$ 263.28 | Cintas | Employee uniform services for 07/22/21 |
| 24 | 12971 | 7/27 | \$ 33.13 | City of Westminster | District Offices & wash Rack 05/26/21 - 07/20/21 |
| 25 | 12972 | 7/27 | \$ 84.94 | City of Westminster | Hydrant Water Service 06/16/21-07/14/21 |
| 26 | 12973 | 7/27 | \$ 1,750.00 | Clean Energy | CNG Station Site Inspection |
| 27 | 12974 | 7/27 | \$ 101,565.61 | CR Transfer Incorporated | Tonnage from 07/01/21 - 07/15/21 |
| 28 | 12975 | 7/27 | \$ 2,724.21 | Daniel's Tire Service | Restock recap tires Solid Waste |

| | | | | | |
|----|-------|------|---------------|--|--|
| 29 | 12976 | 7/27 | \$ 886.50 | Dartco Transmission Sales & Svcs. | Repair transmission for NG-7 Solid Waste |
| 30 | 12977 | 7/27 | \$ 1,176.62 | Frontier Communications | District Office Phones & Lift Stations |
| 31 | 12978 | 7/27 | \$ 4,120.88 | Haaker Equipment Company | Hose-peel replacement & Stock parts for NG-12 Sewer Maint. |
| 32 | 12979 | 7/27 | \$ 1,612.00 | HB Staffing | 07/12/21 - 07/18/21 for Daveta Kelley-Bishop |
| 33 | 12980 | 7/27 | \$ 105.16 | Hilco Fastener Warehouse Inc | Restock washer, lock-nuts and bolts |
| 34 | 12981 | 7/27 | \$ 33.90 | LegalShield | Prepaid legal & theft svcs. July 2021 |
| 35 | 12982 | 7/27 | \$ 10,998.50 | PumpMan, LLC | 1st Qtr. Pump Maintenance FY 21/22 |
| 36 | 12983 | 7/27 | \$ 56.28 | Snap-on Tools | Tool for Shop |
| 37 | 12984 | 7/27 | \$ 6,154.29 | Southern California Edison | District Offices, CNG Station and Lift Stations |
| 38 | 12985 | 7/27 | \$ 79.86 | Time Warner Cable | Television service |
| 39 | 12986 | 7/27 | \$ 730.79 | TrucPar Company | Restock coupling for Shop use |
| 40 | | | \$ 143,404.51 | CHECKS SUBTOTAL | |
| 41 | | | | | |
| 42 | | | | PAYROLL: | MEMO |
| 43 | ACH | 7/27 | \$ 72,821.98 | Paychex | Employee Payroll - Checks, Taxes, & Direct Deposits |
| 44 | ACH | 7/27 | \$ 4,686.11 | Nationwide Retirement Solutions | 457 Deferred Compensation (100% paid by employees) |
| 45 | ACH | 7/27 | \$ 835.00 | Nationwide Retirement Solutions | 457 Roth (100% paid by employees) |
| 46 | | | \$ 835.00 | ACH TRANSFERS SUBTOTAL | |
| 47 | | | | | |
| 48 | | | | ACH PAYMENTS: | MEMO |
| 49 | ACH | 7/27 | \$ 15,448.06 | CalPERS | Retirement Contributions for 07/12/21 - 07/25/21 |
| 50 | ACH | 8/2 | \$ 4,936.33 | CalPERS | Board of Directors Health Insurance Premiums for July 2021 |
| 51 | ACH | 8/2 | \$ 53,383.18 | CalPERS | Active Employee and Retiree Health Ins Premiums July 2021 |
| 52 | | | | | |
| 53 | | | \$ 15,448.06 | ACH TRANSFERS SUBTOTAL | |
| 54 | | | | | |
| 55 | | | | | |
| 56 | | | \$ 159,687.57 | TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS) | |
| 57 | | | | | |
| 58 | | | | BANK TRANSFERS: | |
| 59 | UB | 7/21 | \$ 150,000.00 | Transfer Funds from UB Money Market to UB Checking Account | |
| 60 | | | | | |
| 61 | | | | | |
| 62 | | | \$ 150,000.00 | BANK TRANSFERS | |

A motion was made by Director T. Diep, seconded by Director C. Nguyen to approve the expenditures in the amount of \$159,687.57. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that a service for Director Margie Rice would be held at the Calvary Chapel Westgrove in Garden Grove on August 13, 2021 at 10 A.M., followed by a graveside service at Westminster Memorial Park at 12 noon. He stated that the District had ordered flowers for the event and that the front office would be closed in order for Staff

to attend the services. He thanked the Directors for their support in reaching out to the family.

GM K. Robbins stated that the Calendar Committee needed to set up a meeting to discuss the 2022 calendar.

Report from the Orange County Sanitation District Meeting on July 28, 2021

President A. Nguyen reported that OC San sold their revenue obligations for \$434 million, saving \$7.5 million due to their triple A rating. Their Ground Water Replenishment System (GWRS) is approximately 60% complete and when done, will provide water for 1 million people in Orange County. He also reported that OC San approved adoption for an ADU ordinance and that their construction project on Westminster Blvd. is 70% complete.

Report from the Sub-Committee Meeting for Groundbreaking/Open House on July 21, 2021

Directors S. Contreras and President A. Nguyen reported that they discussed options for the event including adding family opportunities to the lineup, having two bands instead of one, and the food and desserts to be served.

GM K. Robbins stated that the band he set up can play for the full three hours and that the Board would need to address the attendees at some point during the event.

Director S. Contreras requested some options for other bands to perform. He stated that Sweet Lou's had been chosen to provide the food and he asked about Italian Shaved Ice as another option for dessert for the event.

Report from ISDOC Quarterly Meeting on July 29, 2021

All of the Directors reported having problems getting onto the Zoom meeting but agreed that once they got on, it was interesting information.

Director S. Contreras stated that he was impressed with the active role taken and resources used by the library during Covid in order to adapt to the situation.

Report from the Board President Meeting with Auditors on August 2, 2021

President A. Nguyen reported that it was his first time meeting with the District's auditors and that it was interesting, simple and easy.

CONSENT CALENDAR

A. Approve and File the Treasurer's Investment Report for June 2021

B. Approve the June 2021 Financial Reports and Budget Review for the Period of July 1, 2020 through June 30, 2021

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

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

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS

None

NEW BUSINESS

A. Consideration of Options for Filling Vacancy in Board of Directors
(Roll Call Vote)

General Counsel J. Eggart stated that the Board has three options to chose from – appointment, special election or to take no action and let the Board of Supervisors appoint or call a special election to fill the vacancy on the Board, but that there was a deadline of September 23, 2021 to consider.

Director S. Contreras stated that, out of respect for Director Margie Rice, he wished to defer this item until after her funeral services.

Director C. Nguyen agreed with Director S. Contreras but stated that he felt that option 1, to appoint someone for the position, is the best option.

Director T. Diep asked General Counsel J. Eggart if the Board took no action at this time, if Staff could post the Notice of Vacancy.

General Counsel J. Eggart stated that the Notice of Vacancy could be done but without the details necessary for it, there would need to be a supplemental notice afterward.

Director T. Diep asked whether the Board President had the authority to call a Special Meeting to discuss this item.

General Counsel J. Eggart stated that the Board President does have the authority to call a special meeting for something like this.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to defer this item to the next regular meeting or have the Board President call a special meeting to discuss. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Discussion of the 2021 Open House/Groundbreaking Event **(Roll Call Vote)**

There was discussion regarding estimated costs for the event, the draft invitations, food and entertainment, and whether the District needed to hire an event planner.

GM K. Robbins stated that the District is not set up to handle an event like this like the City so there is a need for an event planner, which the Board approved at the August 20, 2021 Board meeting.

Tiffany Brown, owner of WOW Events stated that her company handles all the sourcing, pre-planning and coordination and then execution on the day of the event.

Director C. Nguyen stated that there are two individual ad hoc committees working on the event in addition to Staff and questioned whether the District really needed an event planner, and if so, could somehow cut the costs associated with the event planner.

Tiffany Brown stated that things are different in the hospitality world right now due to COVID and most vendors are short-staffed and busy, but that her company could do as much or as little as the District needs.

Director S. Contreras asked if she could provide options for sourcing rentals, food, entertainment, etc.

Tiffany Brown stated that is exactly what her company does and that she would reach out to her vendors to see who is available on the date and time chosen and then let the ad hoc committees chose.

Director T. Diep stated that he felt that the invitations needed to be 8 ½ x 11 and highlight the free food and live entertainment in order to attract people to attend.

GM K. Robbins stated that the invitation is just a draft and that he expected the Board's input for it. He also stated that the Board would need to address the attendees regarding recycling or SB1383 at the event.

Director C. Nguyen asked if Staff had any idea how many people would attend.

GM K. Robbins stated that he expected around 400 people per day.

Director T. Diep stated that in order to have an idea of how many people would be attending, there should be an RSVP on the invitation although nobody would be turned away. He also suggested that the Board of Directors names be listed, something in honor of Director Margie Rice, and possibly have two separate mailers, one translated into Vietnamese and the other into Spanish as well as English on both in order to not have everyone come both days.

GM K. Robbins stated he wasn't sure whether that could be done properly. He confirmed that on Saturday there would be Sweet Lou's BBQ for food and the Chris Anderson band for live entertainment and on Sunday, Vietnamese food and Max Entertainment.

GM K. Robbins asked whether the Board wanted to have shovels to address the groundbreaking, whether they wanted a script to read from to address the crowd, and whether they wanted a photographer to take pictures.

Director S. Contreras asked if Staff could get enlarged renderings of the new District building for people to see. He also requested a follow-up meeting for the ad hoc committees to go over all the details one last time.

Tiffany Brown stated that she would reach out to all her vendors and sources and provide the District with options, including prices, and then the ad hoc committees could chose and finalize.

Staff was provided direction. No action was taken.

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

Director S. Contreras thanked everyone and stated that he felt that it was a productive meeting with discussion regarding the Open House/Groundbreaking. He also thanked the Board for respecting the situation with Director Margie Rice and asked that the meeting be adjourned in her honor.

Director C. Nguyen stated that due to Director Margie Rice's passing, the alternates for Board positions should become permanent at some point. He also stated that he had a discussion with Gregory Karapoulios from CR&R who offered to go on the radio to

address the recent mishaps within the District and then he and Director S. Contreras would meet to receive an updated report from CR&R. Director C. Nguyen also stated that former Director Margie Rice left him a letter and that he went on the radio and television to honor her requests. He asked if there was anything else the District should do for her funeral services.

Director T. Diep stated that he first met Director Margie Rice in 2005 and had worked with her and spent a lot of time with her over the years.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that he was asked by the family to speak at Director Margie Rice's services, that flowers for the event had been ordered by the District and that she had always wanted a memorial by the flagpole so the District would be honoring that request. GM K. Robbins wished Director C. Nguyen a happy birthday.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel, J. Eggart stated that he would be out of town during the next regular Board meeting, but that his colleague, Omar Sandoval would be attending in his place. He also stated that he would be attending Director Margie Rice's funeral service.

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, August 17, 2021 at 5:30 P.M. at the District office at approximately 7:18 P.M. in honor of Director Margie Rice's 30 plus years of service.

Sergio Contreras
Sergio Contreras, Secretary