

**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**

March 15, 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, March 15, 2022 at 5:30 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep (arrived @ 6:24 PM via teleconference)
Sergio Contreras (arrived @ 5:33 PM)
Chi Charlie Nguyen
Andrew Nguyen
Mark Nguyen

OTHERS AT MEETING:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Executive Board Secretary
Cynthia Oldster, MCSD Receptionist
Ashton Kauwe, Resident
Michael Andrews, Mngr. of Americana Senior MH Community

PLEDGE AND INVOCATION

Director C. Nguyen led the Pledge of Allegiance. Director M. Nguyen gave the Invocation.

PUBLIC COMMENTS

Michael Andrews stated that he was the property manager of the Americana Senior Mobile Home Community in Westminster, and that he came to the meeting to complain about the numerous problems with the community's commercial dumpster service from CR&R. He said that he has dealt with liquid spills, many missed service dates and a lack of credit for the missed service as well as the lack of returned phone calls. He stated that he was willing to work with CR&R but that there was follow up only about 25-30% of the time and that their customer service and follow up was unacceptable and he just wants what is fair and what is being paid for.

Director S. Contreras arrived at the meeting at 5:33 PM.

President A. Nguyen stated that staff would follow up with CR&R regarding the matter.

GM K. Robbins stated that he would set up a meeting with Mr. Andrews and Mike from CR&R to find a solution to the ongoing problem.

Director C. Nguyen thanked him for coming to the meeting and asked if he was ever given financial credit from CR&R.

Michael Andrews said that he was once, but that he was told there would be a credit of \$463.00 for missed service calls that was never received to his knowledge.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MAR. 1, 2022
(Roll Call Vote)

A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to approve the minutes of the regular meeting of March 1, 2022. 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

APPROVAL OF EXPENDITURES *(Roll Call Vote)*

A. Demands in the amount of \$ 323,858.34

1	13550	3/2	\$	181.71	Advanced Workplace Strategies, Inc.	DOT drug and alcohol testing
2	13551	3/2	\$	225.00	Ayala's Car Wash	Solid waste trucks fleet wash
3	13552	3/2	\$	331.36	Cintas Corporation	Employee uniform services
4	13553	3/2	\$	1,802.68	Clean Energy	Service of CNG Station site inspection
5	13554	3/2	\$	2,529.36	Cummins Pacific LLC	Replacement EGR valve for NG-8 solid waste truck
6	13555	3/2	\$	1,195.40	Frontier Communications	District office phones & lift stations
7	13556	3/2	\$	1,475.21	HB Staffing	Temporary employee services
8	13557	3/2	\$	754.93	Hose-Man, Inc.	Restock hose for NG-5 for Solid Waste trucks
9	13558	3/2	\$	522.70	Jaycox Construction CNG	Fast fill station MCSD yard CNG station
10	13559	3/2	\$	3,765.00	MWDOC	PPE COVID-19 Antigen Test Kits
11	13560	3/2	\$	57.00	Paychex	Employee screening services
12	13561	3/2	\$	4,093.72	Safety-Kleen Systems, Inc.	Restock fluids for solid waste trucks
13	13562	3/2	\$	132.42	SoCal Auto & Truck Parts, Inc.	Restock hydraulic fittings for solid waste trucks
14	13563	3/2	\$	89.37	Time Warner Cable	Tv service
15	13564	3/2	\$	300.00	Streamline	Streamline web hosting
16	13565	3/2	\$	2,231.74	TSP Printing	Restock (10,680) Customer Notice Tags
17	13566	3/2			Voided Check	Voided check cut in error
18	13567	3/3	\$	1,674.00	HB Staffing	Temporary employee services
19	13568	3/3	\$	10,060.00	IB Consulting, LLC	Consulting services for Cost of Services & Prop 218 Report
20	13569	3/3	\$	3,400.00	MTN Studio	Facebook clips for customer notice and Facebook Mgmt. for December
21	13570	3/3	\$	3,460.00	Pumpman	Brookhurst&Westminster lift station reinstall new pump & valve switch
22	13571	3/3	\$	29.80	Underground Service Alert	(13) New Tickets for Feb-2022 & Monthly Fee

23	13572	3/9	\$ 785.00	Ayala's Car Wash	Solid waste trucks fleet wash
24	13573	3/9	\$ 4,523.34	Bodyworks Equip. Inc.	Packer paddle kit for solid waste trash truck
25	13574	3/9	\$ 331.36	Cintas Corporation	Employee uniform services
26	13575	3/9	\$ 33.13	City of Westminster	Westminster lift station water
27	13576	3/9	\$ 158,650.21	CR Transfer, Inc.	Residential Waste & Organic tonnage fees
28	13577	3/9	\$ 2,009.63	CRC Cloud	2022 QuickBooks installation and monthly maintenance & Support
29	13578	3/9	\$ 115.46	Hilco Fastener Warehouse Inc.	Restock lock-nuts for solid waste trucks
30	13579	3/9	\$ 1,881.00	Hydraforce, Inc.	Hydraulic cylinders for solid waste trucks
31	13580	3/9	\$ 804.23	Merchants Building Maintenance, LLC	Monthly janitorial service
32	13581	3/9	\$ 869.00	SoCal Auto & Truck Parts, Inc.	Restock hydraulic hose for solid waste trucks
33	13582	3/9	\$ 10,200.34	SoCalGas	Gas service for CNG Station
34	13583	3/9	\$ 321.37	Staples Business Credit	MCSD office supplies
35	13584	3/9	\$ 25,619.70	Orange County Sanitation District	Permit fees
			\$ 224,767.57	CHECKS SUBTOTAL	
				PAYROLL:	MEMO
	ACH	3/4	\$ 7,966.29	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
	ACH	3/4	\$ 823.50	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
	ACH	3/9	\$ 75,165.01	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
	ACH	3/9	\$ 6,259.98	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
			\$ 83,954.80	ACH TRANSFERS SUBTOTAL	
				ACH PAYMENTS:	MEMO
	ACH	3/9	\$ 15,135.97	CalPERS	Retirement Contributions for 02/07 - 02/20/22
			\$ 15,135.97	ACH TRANSFERS SUBTOTAL	
			\$ 323,858.34	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
				BANK TRANSFERS:	
	UB	3/2	\$ 100,000.00	Transfer Funds from UB Money Market to UB Checking	
	UB	3/10	\$ 150,000.00	Transfer Funds from LAIF to Union Bank Checking	
			\$ 250,000.00	BANK TRANSFERS	

A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to approve the expenditures in the amount of \$323,858.34. 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

REPORTS

Report of President

President A. Nguyen thanked staff, and especially Director of Operations Nick Castro, for setting up for the clean-up event at the District on March 12, 2022 and he stated that he attended a last minute radio show on Friday, March 11, 2022.

Report of General Manager

GM K. Robbins reported that he had provided each of the Board members with a mailer regarding SB1383 organics recycling that was going out to commercial businesses and mobile home parks within the District that must sign up for their individual level of service with CR&R by the end of the year. He stated that the District is required to do these mailers in order to comply.

Director S. Contreras asked why the mailer was only in English and Vietnamese and why it was not also in Spanish.

GM K. Robbins stated that this was the first of many but that the commercial businesses being targeted were primarily English and Vietnamese speaking.

Director S. Contreras stated that he was concerned about equity and that if the District was going to translate for one language, it should also do for the other.

President A. Nguyen stated that the District's next mailer would be in all three languages – English, Spanish and Vietnamese.

GM K. Robbins reported that the technology upgrade RFP's were sent out to ten different vendors for the District's new computers, VOIP phones and camera system and were expected back by April 8, 2022.

Report from Orange County Sanitation District Meeting on Mar. 9, 2022

President A. Nguyen reported that there was an update on the budget with information regarding the new building and technology. He stated that Director Jim Hubert received an award for advocacy achievement.

Report from Radio Outreach on Mar. 11, 2022

President A. Nguyen thanked GM K. Robbins for providing him with information and talking points regarding recycling and SB 1383. He stated that Mike from CR&R and Director M. Nguyen also attended.

Director M. Nguyen reported that it was a good show and that they spoke about the District's recent truck fire which was caused by batteries and addressed the businesses, multi-family units and mobile home parks who need to sign up for service with CR&R in order to comply with SB 1383.

President A. Nguyen stated that there are 12 or 13 mobile home parks in Westminster.

GM K. Robbins confirmed that there were over 2,000 units within the District.

Director C. Nguyen stated that he scheduled the radio show almost a month ago, with Director S. Contreras scheduled to attend but that he was not able to, so President A. Nguyen took his place.

Report from Clean-Up Event on Mar. 12, 2022

President A. Nguyen, and Directors C. Nguyen, M. Nguyen and T. Diep attended the District's first clean up event for the year and stated that there was already a line to get in at 7:30 AM.

CONSENT CALENDAR

(Roll Call Vote)

A. Approve and File the Treasurer's Investment Report for February 2022

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve the Consent Calendar. 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

OLD BUSINESS

None

NEW BUSINESS

A. Discussion of District Media Outreach, Radio Shows to Vietnamese Community and Hiring of Full-Time Outreach Coordinator ***(Roll Call Vote)***

GM K. Robbins stated that over the last few years, the District's media outreach with mailers, radio shows and social media has ramped up. He stated that most agencies have an outreach coordinator or a specific person to handle it, and that he has been doing it, along with all of his other job duties, but in order to have it done the way the Board would like, he would like to have a designated person to handle since it was becoming more time consuming. He stated that it could be as simple as the Board saying they want to do so many shows a month and in what language, but that there needed to be better coordination, and that the District would need ongoing monitoring and reporting of its efforts to comply with SB 1383.

Director M. Nguyen stated that he thought it was a good idea to have an outreach coordinator but that he did not support hiring another employee for this position.

Director S. Contreras asked what the number of radio outreach shows had been done for the Spanish speaking portion of the community.

GM K. Robbins stated that he did not have the numbers readily available but that there had been 25-30 ads on the Spanish radio.

Director S. Contreras asked if this was documented somewhere – with the number of times and the locations listed and the amount of money spent because he did not have any recollection of it. He also asked which bill was being referred to on the staff report that staff had not known about.

GM K. Robbins stated that the District received a bill and the District later found out it was being split between the District and CR&R.

Director S. Contreras stated that the District had done ads in Spanish but was unaware of any shows.

GM K. Robbins stated that Director S. Contreras was correct and that there were ads on the Spanish radio and not shows.

Director S. Contreras asked for clarification about which bills had been received for radio outreach that staff was not aware of.

GM K. Robbins stated that the District had received bills for different amounts and sometimes needed clarification as to the number of times the radio shows had been done.

Director S. Contreras asked for clarification of the second page of the staff report where it refers to the Board deciding to do a promotion of the District at the last minute due to not having the maximum of six meetings for the month.

Director S. Contreras asked specifically about the allegations made and asked who or which Board member had done this.

GM K. Robbins stated that he just wanted to get everything scheduled up front. He stated that he didn't see the need for the District to hire a full-time person for media outreach but that it needed better coordination.

Director S. Contreras asked who the members of the Outreach Committee were.

GM K. Robbins stated that the Outreach Committee had been for the Open House and was dissolved now.

Director S. Contreras stated that he agreed with Director M. Nguyen that the District did not need to hire an additional person but needed a more coordinated system or a calendar showing what was being done when and by whom.

Director C. Nguyen stated that he agreed that the District did not need to hire an extra person for outreach but that a better system was needed. He stated that last year it was decided that an outreach committee be formed by Directors A. Nguyen and T. Diep and that they loosely scheduled the radio shows, without clarification. He stated that staff should not be blamed because they should be informed ahead of time in order to do their job properly. He asked for clarification about the position and the budget to handle media outreach for the District.

GM K. Robbins stated that it would be a dual role with the person coordinating outreach for the District as well as monitoring its effort with compliance with SB 1383. He stated that the budget for outreach was whatever the Board decided.

Director C. Nguyen stated that the District needed to do their job with regard to the community but that hiring an additional person was not something the District should be looking into. He stated that at the time when Directors A. Nguyen and T. Diep were appointed to the Outreach Committee there were not problems with CR&R, and that the Franchise Committee had met to talk about compliance with SB 1383. He stated that he feels that the Board should keep things separate and have the Franchise Committee deal with CR&R with regard to their service and SB 1383 and have the Board decide whether or not to appoint another Outreach Committee to coordinate and handle the media outreach.

GM K. Robbins stated that he would have something on the next agenda for discussion.

Director T. Diep arrived at the meeting via teleconference at 6:24 PM.

President A. Nguyen stated that Directors M. Nguyen, S. Contreras and C. Nguyen were not in favor of the District hiring someone to handle and coordinate media outreach but that Director C. Nguyen recommended that the Board appoint an Outreach Committee and have a meeting with CR&R regarding SB 1383.

Director T. Diep stated that he feels that the information in the staff report needs to be taken into consideration and that the District needs a better procedure and process for regular outreach and also needs to set aside a fixed annual budget for it.

Director S. Contreras stated that he feels that the District seriously needs to look into approving outreach regarding SB 1383 on Spectrum television for monolingual citizens of the community.

GM K. Robbins stated that there is already a Franchise Committee and already an annual budget of \$40,000.

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to direct the General Manager to include an item onto the next regular meeting agenda with a recommendation for a process for coordination of media outreach and appointment of a Board subcommittee, including the purpose of and parameters for the subcommittee, as well as the cost to the District, including a complete Spectrum outreach proposal. 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:

- B. Consider Outreach to the Orange County Board of Supervisors to Request a Transfer for American Rescue Plan Act (ARPA) Fiscal Recovery Funds to the Midway City Sanitary District for Unmet Fiscal Impacts Due to the COVID-19 Pandemic

(Roll Call Vote)

Finance/HR Director R. Housley stated that he had the opportunity to participate in a California Special Districts Association (CSDA) workshop regarding this matter. He explained that cities and counties have the opportunity to make this request to Supervisor Andrew Do but that the District was not guaranteed to receive it.

A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to approve that a letter be sent to the Orange County Board of Supervisors to request a transfer for ARPA fiscal recovery funds for the District's unmet fiscal impacts due to the COVID-19 pandemic. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ASTAIN:

ABSENT:

Director T. Diep suggested that a call be made by GM K. Robbins after mailing the letter to Supervisor Andrew Do requesting a meeting with President A. Nguyen.

Director T. Diep left the meeting at 6:46 P.M.

- C. Consider Approval of Purchase of One New 26-Yard Automated Side Loader, Cab-Over Compressed Natural Gas (CNG) Solid Waste Collection Truck for the Midway City Sanitary District Fleet
(Roll Call Vote)

A motion was made by Director S. Contreras, seconded by President A. Nguyen, to approve the purchase of one new 26-yard automated side loader, cab-over compressed natural gas (CNG) solid waste collection truck for the District's fleet. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ASTAIN:

ABSENT: T. Diep

INFORMATIONAL ITEMS

- A. CalPERS Responds to Governor Gavin Newsom
- B. Orange County LAFCO Regular Public Member Press Release and Application

Receive and file.

BOARD CONCERNS/COMMENTS

Director M. Nguyen thanked staff for setting up the successful clean-up event.

Director C. Nguyen stated that he has the same issues as the gentleman who came to speak to the Board regarding the problem with CR&R service within the District and that he was receiving calls and complaints too and stated that he did not know how the District was going to resolve the ongoing problems with CR&R. He stated that CR&R was not taking the complaints seriously and that he is the alternate Director for the Franchise Committee and doesn't know how the District can continue to go on the radio with CR&R as its partner and asked staff to come up with some suggestions.

Director S. Contreras stated that he had a meeting scheduled with Driftwood mobile home park regarding SB 1383.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that he would set up a franchise committee meeting to address the list of concerns about CR&R's service.

GM K. Robbins stated that he had been in contact and had dialogue with the City of Westminster regarding the public right-of-way, LAFCO and the District's lack of authority regarding abandoned items.

Finance/HR Director R. Housley reminded the Board that there would be a budget workshop next Tuesday, March 22, 2022.

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, March 22, 2022 at 5:30 P.M. at the District office at approximately 7:02 P.M.

Sergio Contreras
Sergio Contreras, Secretary