

**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 HYBRID/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.**

December 15, 2020

CALL TO ORDER

President A. 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, December 15, 2020 at 5:06 P.M.

BOARD MEMBERS PRESENT:

Margie L. Rice (via teleconference)
Tyler Diep (via teleconference)
Sergio Contreras (via teleconference)
Chi Charlie Nguyen (via teleconference)
Andrew 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

Director M. Rice led the Pledge of Allegiance and the Invocation.

PUBLIC COMMENTS

None

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF DEC. 1, 2020
(Roll Call Vote)**

A motion was made by Director S. Contreras, seconded by Director M. Rice, to approve the minutes of the special meeting of December 1, 2020. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF DEC. 4, 2020
(Roll Call Vote)**

A motion was made by President A. Nguyen, seconded by Director C. Nguyen, to approve the minutes of the special meeting of December 4, 2020. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$411,019.65 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	MEMO
1				CHECKS:	
2	11961	11/24	\$ 59.50	Advanced Workplace Strategies	Random DOT drug test & collection site
3	11962	11/24	\$ 345.00	Ayala's Car Wash	Fleet wash 11/19
4	11963	11/24	\$ 2,794.37	Bodyworks Equipment, Inc.	Restock hydraulic parts for Heil system
5	11964	11/24	\$ 67.80	LegalShield	Legalshield/ID Svcs. November 2020
6	11965	11/24	\$ 5,064.25	NVB	New camera system for front loader NG-17
7	11966	11/24	\$ 4,635.00	R.J. Noble Company	Adjust MCSD utilities to grade for pavement maintenance
8	11967	11/24	\$ 75.01	Time Warner Cable	Television service November 2020
9	11968	11/24	\$ 1,211.36	Standard Insurance Company	Life Insurance & AD&D Premium Coverage for December 2020
10	11969	11/24	\$ 50.83	TEC of California, Inc	Replacement driver side seat for NG-2
11				TEC of California, Inc	Seat returned but seat bracket was kept (\$702.51)
12	11970	11/30	\$ 200.00	Juan Contreras	Workboot reimbursement
13	11971	11/30	\$ 18.42	Nick Castro	Workboot reimbursement (used remaining balance)
14	11972	11/30	\$ 200.00	Randy Griffith	Workboot reimbursement
15	11973	12/1	\$ 2,439.10	The SmoKing Ribs LLC	Board approved Christmas luncheon-Covid style
16	11974	12/4	\$ 2,477.38	Atlas Radiator, Inc	Radiator repair for NG-5

17	11975	12/4	\$ 1,370.00	Ayala's Car Wash	Fleet wash 11/23, 11/25, 11/30
18	11976	12/4	\$ 522.82	Cintas	Uniform Services for 11/27 and 12/3
19	11977	12/4	\$ 350.00	Country City Towing	NG-2 towed to yard due to breakdown
20	11978	12/4	\$ 96,203.29	CR Transfer	Residential Waste & Organic Tonnage Fees 11/01/20 through 11/15/20
21	11979	12/4	\$ 816.00	CRC Cloud	Maintenance/Support December 2020
22	11980	12/4	\$ 483.90	Daniel's Tire Service	(2) Recap tires and casing bead repair
23	11981	12/4	\$ 1,174.70	Frontier Communications	District Office Phones & Lift Stations for November 2020
24	11982	12/4	\$ 17,105.70	Orange County Sanitation District	Permit Fees November-2020
25	11983	12/4	\$ 675.00	Pumpman, LLC	#2 slow starter (Westminster), troubleshoot pump system (Brookhurst)
26	11984	12/4	\$ 33,600.00	Rengel + Company Architects, Inc	Architectural Services for Building Project
27	11985	12/4	\$ 430.63	SoCal Auto & Truck Parts, Inc	Restock tailgate seal for Solid Waste trucks, new battery for NG-1
28	11986	12/4	\$ 5,112.49	Southern California Edison	District Offices, CNG Station and Lift Stations for November 2020
29	11987	12/4	\$ 300.00	Digital Deployment dba Streamline	Website Monthly Member Fee: December 2020
30	11988	12/4	\$ 15,269.00	State Water Resources Control Board	Annual Permit Fees for 07/01/2020-06/30/2021
31	11989	12/4	\$ 3,642.89	TEC of California, Inc	Restock rotor, brake shoes, drums and hardware kit for NG-13
32				TEC of California, Inc	(4) Credit for Core Return (\$814.59)
33	11990	12/4	\$ 1,371.60	Tesco Controls, Inc	11/20/20 Brookhurst pump alarm troubleshooting
34	11991	12/4	\$ 382.58	TrucPar Company	(10) Restock hydraulic fittings
35	11992	12/4	\$ 31.45	Underground Service Alert/SC	(13) New Tickets for NOV 2020 & Monthly Fee
36	11993	12/4	\$ 441.00	WesPac Security Services, Inc	Burglary Alarm/Fire/ Gas Svcs. OCT-DEC 2020
37	11994	12/4	\$ 5,368.37	US Bank Corporate Payment Systems	District Credit Cards
38			\$ 204,289.44	CHECKS SUBTOTAL	
39					
40				PAYROLL	
41	ACH	12/1	\$ 129,110.49	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
42	ACH	12/2	\$ 3,130.00	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
43	ACH	12/2	\$ 560.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
44	ACH	12/2	\$ 1,000.00	Nationwide Retirement Solutions	457 Catch Up (100% paid by employees)
45	ACH	12/4	\$ 283.17	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
46			\$ 134,083.66	ACH TRANSFERS SUBTOTAL	
47					
48				ACH PAYMENTS	
49	ACH	12/1	\$ 3,605.66	CalPERS	Board of Directors Health Insurance Premiums for December 2020
50	ACH	12/1	\$ 53,240.72	CalPERS	Active Employee and Retiree Health Ins Premiums for December 2020
51	ACH	12/2	\$ 15,800.17	CalPERS	Retirement Contributions for 11/16/2020-11/29/2020
52			\$ 72,646.55	ACH TRANSFERS SUBTOTAL	
53					
54			\$ 411,019.65	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	

A motion was made by Director M. Rice, seconded by Director S. Contreras, to approve the expenditures in the amount of \$411,019.65. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that two District employees have COVID-19 and that one is expected back to work by December 22 and the other on December 30. There are also two others that are off on COVID-19 leave to help with childcare and school so the sewer crew and General Manager are helping with daily services. A tailgate meeting for the drivers was held and they were told that for the time being they must help each other until

all routes are completed and they have been working as a team. A magnetic white board has been installed outside showing their daily job duties, including what truck each driver is assigned to, in order for the drivers to go straight from their vehicles to their trucks without having to enter the building. A new driver will hopefully be starting the first week of January 2021. The District will also be looking into temp agencies for drivers in case the need arises.

Report from the Orange County Sanitation (OCSD) Meeting on Dec. 9, 2020

President A. Nguyen reported that there was lengthy discussion regarding investments, and they reported that they have had no new cases of COVID-19 at OCSD.

CONSENT CALENDAR

- A. Approve and File the Treasurer's Investment Report for November 2020
- B. Approve the November 2020 Financial Reports and Budget Review for the Period of July 1, 2020 through November 30, 2020
- C. Approve Annual Vacation Pay in Lieu of Time off Requests for Represented Employees
- D. Approve Annual Vacation Pay in Lieu of Time off Requests for Management, Salaried and Unrepresented Employees

A motion was made by Director C. Nguyen, seconded by Director Mr. Rice, to approve the Consent Calendar. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS

- A. Consider Approval of Amendment No. 1 with Shuster Advisory, LLC for Independent Advisory Services of the District's 457(b) Retirement and Omnibus Budget Reconciliation Act (OBRA) Plans and Authorize the General Manager to Sign the Amendment **(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 C. Nguyen, to defer consideration of this item to the next regular Board meeting on January 5, 2021. The motion was approved by the following 5-0 roll call vote:

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

NEW BUSINESS

A. Approval to Purchase New Compressor Number Two (2) for the Midway City Sanitary District's Compressed Natural Gas Station ***(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 T. Diep, seconded by Director S. Contreras, to move as recommended by staff and approve the purchase of a new compressor number two from Jaycox Construction for the District's CNG station for \$129,175.10, and to waive the formal bid process. The motion was approved by the following 5-0 roll call vote:

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

B. Discuss and Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meeting on Tuesday, January 5, 2021 at 5:30 P.M. to a Special Teleconference Meeting at 5 P.M. due to the 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 President A. Nguyen, seconded by Director S. Contreras to approve changing the District's regularly scheduled Board meeting on Tuesday, January 5, 2021 at 5:30 P.M. to a special teleconference meeting at 5 P.M. due to the COVID-19 pandemic. The motion was not approved due to the following 5-0 roll call vote:

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

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

Directors M. Rice, C. Nguyen and A. Nguyen wished everyone a Merry Christmas and Happy Holidays.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins wished everyone a Merry Christmas and Happy New Year, and wished Director S. Contreras an early happy birthday.

Finance/HR Director R. Housley also wished everyone a Happy Christmas.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel J. Eggart wished everyone a happy and safe Holiday.

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 5, 2021 at 5:00 P.M. at the District office at approximately 5:31 P.M.

Sergio Contreras
Sergio Contreras, Secretary