

**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**

December 6, 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, December 6, 2022 at 5:38 PM.

BOARD MEMBERS PRESENT:

Andrew Nguyen
Sergio Contreras
Chi Charlie Nguyen
Mark Nguyen
Tyler Diep (teleconference in, arrived 5:55 PM)

BOARD MEMBERS ABSENT:

STAFF PRESENT:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
Cynthia Olsder, Executive/Board Secretary

OTHERS PRESENT:

James Eggart, General Counsel
Huy Nguyen, Resident

PLEDGE AND INVOCATION

President A. Nguyen led the Pledge of Allegiance. Finance/HR Director R. Housley gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 15, 2022

(Roll Call Vote)

A motion was made by President A. Nguyen, seconded by Director S. Contreras, to approve the minutes of the regular meeting of November 15, 2022. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

(Roll Call Vote)

A. Demands in the amount of \$675,610.52

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14158	11/10	385,356.14	Woodcliff Corporation - Contractor	Building project pay application #1 Oct-2022
2	14159	11/10	20,281.90	Woodcliff Corporation - Escrow Acco	Building project pay application #1 - Retention Payment
3	14160	11/11	17,678.69	US Bank Corporate Payment System	District credit cards
4	14161	11/15	21,521.38	Woodcliff Corporation - Contractor	Building project reimburse for permit fees
5	14162	11/16	312.83	AT&T Mobility (First Net)	Cell phone service
6	14163	11/16	360.00	Ayala's Car Wash	Washing and cleaning of district's fleet
7	14164	11/16	2,585.79	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
8	14165	11/16	806.34	CR&R Incorporated	Bins for Clean-Up Event on 10/15/22
9	14166	11/16	4,260.13	CRC Cloud	Relocation to trailer, printer for Cynthia, and scanner for Robert
10	14167	11/16	3,259.79	Daniels Tire Service	Restock tires for solid waste
11	14168	11/16	1,169.24	Los Angeles Truck Centers, LLC	Pedal assembly for NG-3 for trash truck
12	14169	11/16	804.23	Merchants Building Maintenance, LL	Janitorial services Nov -2022
13	14170	11/16	301.50	Pitney Bowes/Purchase Power	Postage for Nov -2022
14	14171	11/16	661.50	Rutan & Tucker, LLP	Legal Services Oct-2022
15	14172	11/16	4,195.48	Safety-Kleen Systems, Inc.	Motor oil for solid waste trucks
16	14173	11/16	667.45	Snap-On Tools	Impact and swivel sockets for shop
17	14174	11/16	68.91	SoCalGas	Natural Gas for offices, shop, and wash rack
18	14175	11/16	240.07	UniFirst Corporation	Employee uniform & laundry services
19	14176	11/16	507.45	Verizon Enterprise	Final Invoice - SCADA Aug-2022
20	14177	11/16	11,833.50	Woodruff, Spradlin & Smart	Legal Services Nov -2022
21	14178	11/17	450.00	Alejandra Cruz	11/10/22 Taco Luncheon for Employees
22	14179	11/21	318.57	Advanced Office	Ricoh copier repairs
23	14180	11/21	438.21	AT&T (Brookhurst Lift Station)	Brookhurst Nov - 2022
24	14181	11/21	470.00	Ayala's Car Wash	Washing and cleaning of district's fleet
25	14182	11/21	2,990.13	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
26	14183	11/21	188.71	City of Westminster-Water Billing	Westminster lift station water
27	14184	11/21	84.94	City of Westminster Hydrant	Hydrant water service Nov-2022
28	14185	11/21	30.00	City of Westminster FARP	Annual alarm permit registration fee
29	14186	11/21	1,226.56	CRC Cloud	Laptop for Cynthia
30	14187	11/21	2,468.74	Cummins Pacific LLC	Engine repairs for NG-3 trash truck
31	14188	11/21	45.67	Cynthia Loan Oldser	CSDA Board Clerk conference expenses
32	14189	11/21	5,293.80	Daniels Tire Service	Restock tires for solid waste
33	14190	11/21	119.00	Remington Pure	Water filtration service
34	14191	11/21	3,959.87	Resource Communications	Transfer phone system to temporary trailer for building project
35	14192	11/21	1,000.00	Shuster Advisory Group, LLC	Q3 2022 Advisory Fee for 457(b) & OBRA plans
36	14193	11/21	560.61	Snap-On Tools	Impact sockets for Shop
37	14194	11/21	151.02	SoCal Auto & Truck Parts, Inc.	Tools and equipment for shop use
38	14195	11/21	11,505.04	SoCalGas	Natural Gas for CNG Station
39	14196	11/21	806.94	TEC Of California, Inc.	Restock parts, supplies, fleet repairs and maintenance
40	14197	11/21	240.07	UniFirst Corporation	Employee uniform & laundry services
41			\$ 509,220.20	CHECKS SUBTOTAL	
42					
43				PAYROLL:	MEMO
44	ACH	11/16	\$ 74,872.88	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
45	ACH	11/16	\$ 7,770.25	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
46			\$ 82,643.13	ACH TRANSFERS SUBTOTAL	
47					
48				ACH PAYMENTS:	MEMO
49	ACH	11/16	\$ 16,447.31	CalPERS	Retirement Contributions for 10/31 - 11/13/22
50	ACH	12/1	\$ 60,909.64	CalPERS	Active Employee and Retiree Health Ins Premiums Dec-22
51	ACH	12/1	\$ 6,390.24	CalPERS	Board of Directors Health Insurance Premiums for Dec-22
52			\$ 83,747.19	ACH TRANSFERS SUBTOTAL	
53					
54			\$ 675,610.52	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
55					

55					
56				BANK TRANSFERS:	
57	UB	11/10	\$ 405,000.00	Transfer Funds from LAIF to Union Bank Checking	
58	UB	11/14	\$ 1,350,611.91	Transfer Funds from UB Money Market to UB Checking	
59			\$ 405,000.00	BANK TRANSFERS	
60					

A motion was made by Director M. Nguyen, seconded by Director C. Nguyen, to approve the expenditures in the amount of \$675,610.52. The motion was approved by the following 5-0 roll call vote:

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

REPORTS

Report of President

President A. Nguyen thanked everyone for attending his wife’s funeral service.

Report of General Manager

GM K. Robbins reported that asbestos was discovered after removing one of the building’s floor tiles. A change order with WoodCliff Corporation, the construction contractor, is required. The estimated cost to remove the asbestos will be around \$13,000.00.

GM K. Robbins reported that the solar proposal from CSI is a design-build, which the District isn’t able to do. WoodCliff Corporation will submit a change order proposal for the solar to the Board for approval.

GM K. Robbins reported that the election has been certified, and he congratulated Director Andrew Nguyen, Director Sergio Contreras, and Director Mark Nguyen on being elected.

GM K. Robbins reminded the Board of the two Special Meetings scheduled this week.

Director S. Contreras requested the Board to consider moving the Special Meeting on December 7th, 2022 to another date, when he can attend in person.

President A. Nguyen stated that the request to set another Special Meeting date can be discussed later in the meeting.

Report from the VNCR Outreach on November 5, 2022

Director C. Nguyen and Director M. Nguyen attended the radio recording. They reported that there was a 15-min recording done that was aired four times.

Report from OC San Virtual Meeting on November 15, 2022

President A. Nguyen, Director C. Nguyen, Director M. Nguyen, and Director, S. Contreras reported that they attended the virtual meeting. President A. Nguyen reported that the meeting was a general overview of their accomplishments and highlights of planned projects.

Report from the Radio Bolsa Outreach on November 17, 2022

Director S. Contreras and Director T. Diep attended the radio recording. They reported that there was a 10-min recording done that was aired five times. They also reminded the community of the Christmas tree recycling program and on how to discard cooking oil and grease during the holidays.

CONSENT CALENDAR

None

OLD BUSINESS

Director T. Diep arrived in person at 5:55 PM

A. Consider Approval of a Proposed Job Description and Salary Schedule for the Position of District Engineer and Authorize Recruitment for the Position of District Engineer *(Roll Call Vote)*

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by S. Contreras, to approve the proposed job description and salary schedule for the position of District Engineer and authorize recruitment for the position. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

NEW BUSINESS

A. Consider claim from Mr. Hai Ngo *(Roll Call Vote)*

A staff report and recommendations were provided and considered by the Board. A motion was made by Director T. Diep, seconded by President A. Nguyen, to approve the notice of rejection for the November 7, 2022 claim from Mr. Hai Ngo. The motion was approved by the following 5-0 roll call vote:

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

NAYS:
ABSTAIN:
ABSENT:

B. Consider Approval of the 2023 Clean-up Event Schedule

(Roll Call Vote)

A staff report and recommendation were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director M. Nguyen, to approve the 2023 clean-up event schedule. The motion was approved by the following 5-0 roll call vote:

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

C. Consider Re-documenting Current Authorized Signers for the Midway City Sanitary District's Accounts with Union Bank and Authorize Interim General Manager, Robert Housley, as the Contracting Officer, to Execute Such Documents as Needed

(Roll Call Vote)

A staff report and recommendation were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to approve re-documenting the authorized signers for the District's accounts with Union Bank and authorize the Interim General Manager, Robert Housley, as the contracting officer, to execute such documents as needed. The motion was approved by the following 5-0 roll call vote:

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

D. RESOLUTION 2022-25

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT, OF ORANGE COUNTY, CALIFORNIA, EXPRESSING APPRECIATION TO RETIRING GENERAL MANAGER KENNETH ROBBINS FOR HIS MORE THAN TWENTY-THREE YEARS OF DEDICATED SERVICE

(Roll Call Vote)

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve adoption of Resolution No. 2022-25. The motion was approved by the following 5-0 roll call vote:

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

NAYS:
ABSTAIN:
ABSENT:

E. RESOLUTION 2022-26

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT, OF ORANGE COUNTY, CALIFORNIA, MAKING SPECIFIED FINDINGS AND REAUTHORIZING THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 AND GOVERNMENT CODE SECTION 54953(e) FOR MEETINGS OF THE MIDWAY CITY SANITARY DISTRICT BOARD OF DIRECTORS AND OTHER DISTRICT COMMITTEES SUBJECT TO STATE OPEN MEETINGS LAW **(Roll Call Vote)**

A motion was made by Director T. Diep, seconded by Director C. Nguyen, to approve adoption of Resolution No. 2022-26. The motion was approved by the following 5-0 roll call vote:

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

Consideration of adding item to the Agenda

General Counsel, J. Eggart stated that Director S. Contreras is asking the Board to walk an item onto the agenda that wasn't agendaized. The item proposed for consideration is to reschedule the special meeting to go over 2022 legislative updates that was scheduled for December 7th, 2022.

General Counsel J. Eggart advised the Board that, in order to add a non-agenda item to the agenda, at least four-fifths of the Board Members must determine that there is a need for immediate action and the need to take action came to the attention of the District subsequent to the agenda being posted.

Director S. Contreras stated that there is a need for immediate action because he won't be able to attend the Special Meeting, which is scheduled for tomorrow, December 7, 2022.

A motion was made by Director T. Diep, seconded by Director S. Contreras, to find that there was a need to take immediate action and the need for action came to the attention of the District subsequent to the Agenda being posted and to therefore add to the Agenda an item for consideration to reschedule the special meeting on December 7th, 2022, after the Agenda had been posted. The motion was approved by the following 5-0 roll call vote:

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

NAYS:
ABSTAIN:
ABSENT:

Consideration to reschedule the Special Meeting to go over 2022 legislative updates on December 7th, 2022.

General Counsel, J. Eggart stated that Director S. Contreras is asking the Board to reschedule the special meeting to another date when he can be present.

A motion was made by Director T. Diep, seconded by President A. Nguyen. to reschedule the Special Meeting to Friday, December 16th, 2022 at 9 AM. The motion was approved by the following 5-0 roll call vote:

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

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

Director M. Nguyen thanked his supporters.

Director S. Contreras shared that the funeral service for President A. Nguyen's wife was beautiful. He also thanked the Board for their flexibility on rescheduling the Special Meeting.

Director C. Nguyen thanked GM K. Robbins for his dedication and service to the District. He also offered his sincere condolences to President A. Nguyen.

Director T. Diep thanked GM K. Robbins for his service and his loyalty to the District.

President A. Nguyen thanked the Directors and staff for their prayers, concerns and support during his difficult time. He thanked GM K. Robbins for his service to the District, and also for being a true friend.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins thanked the Directors for their warm sentiments.

HR/Finance Director R. Housley stated that Wendy Davis with Davis Farr LLP, a CPA firm, will start this Thursday.

HR/Finance Director R. Housley stated that on the next regular Board meeting there will a closed session item for conference with labor negotiators.

HR/Finance Director R. Housley congratulated GM K. Robbins on his retirement.

GENERAL COUNSEL CONCERNS/COMMENTS

General Council J. Eggart complemented retiring GM K. Robbins and his effectiveness as a General Manager.

General Council J. Eggart convened the meeting into closed session at 6:34 PM to consider the employment and appointment of the general manager position pursuant to Government Code Section 54957(b)(1).

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. PUBLIC EMPLOYEE EMPLOYMENT / APPOINTMENT (Government Code Section 54957(b)(1)) Title: General Manager

President A. Nguyen reconvened the open session portion of the meeting at 6:59 PM. General Counsel J. Eggart reported that the Board had met in closed session to discuss the appointment and employment of a General Manager pursuant to Government Code Section 54957(b)(1), that no reportable action had been taken, and that the Board had asked him to report that it intended to discuss this item again in March 2023.

ADJOURNMENT

President A. Nguyen adjourned the meeting at 7:00 PM to the next Board meeting to be held at the District on Tuesday, December 20, 2022 at 5:30 PM.

Sergio Contreras
Sergio Contreras, Secretary