

**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**

**August 16, 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, August 16, 2022 at 5:30 P.M.

**BOARD MEMBERS PRESENT:**

Andrew Nguyen  
Sergio Contreras  
Chi Charlie Nguyen  
Tyler Diep (via teleconference)  
Mark Nguyen

**STAFF PRESENT:**

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

**BOARD MEMBERS ABSENT:**

None

**OTHERS PRESENT:**

Omar Sandoval, Asst. General Counsel  
Marcia Kamine, Kamine Law  
Omid Tabrizi, Woodcliff Corporation  
Ashton Kauwe, Resident

**PLEDGE AND INVOCATION**

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

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF AUGUST 2, 2022  
(Roll Call Vote)**

A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to approve the minutes of the regular meeting of August 2, 2022. 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:

**APPROVAL OF EXPENDITURES**

**(Roll Call Vote)**

A. Demands in the amount of \$411,736.73

| #  | CK #  | DATE | AMOUNT               | VENDOR CHECKS:                           | MEMO:   |
|----|-------|------|----------------------|--|---|
| 1  | 13904 | 8/1  | 438.91               | AT&T (Brookhurst Lift Station)           | Brookhurst July- 2022   |
| 2  | 13905 | 8/1  | 84.94                | City of Westminster Hydrant              | Hydrant water service   |
| 3  | 13906 | 8/1  | 1,192.38             | Frontier Communications                  | District office phones & lift stations                        |
| 4  | 13907 | 8/1  | 33.90                | LegalShield                              | Prepaid legal Jul-2022  |
| 5  | 13908 | 8/1  | 4,426.93             | SDRMA - Employee Benefits                | Dental and Vision benefits                                    |
| 6  | 13909 | 8/1  | 9,488.64             | Southern California Edison               | District Offices, CNG station, and lift stations              |
| 7  | 13910 | 8/1  | 89.01                | Spectrum Enterprise (Time Warner Cable)  | Television service  |
| 8  | 13911 | 8/1  | 1,334.16             | Standard Insurance Company Life          | Life Insurance & AD&D Premium Coverage                        |
| 9  | 13912 | 8/1  | 23.20                | Underground Service Alert                | Dig Alerts Jul-2022   |
| 10 | 13913 | 8/1  | 656.84               | Union Bank (NC)                          | District Credit Card  |
| 11 | 13914 | 8/3  | 500.00               | SDRMA - Claims                           | Deductible for 05/23/22 Claim                                 |
| 12 | 13915 | 8/4  | 8.77                 | Advanced Office                          | Copier repairs  |
| 13 | 13916 | 8/4  | 1,345.00             | Ayala's Car Wash                         | Solid waste trucks fleet wash                                 |
| 14 | 13917 | 8/4  | 9,241.87             | Bodyworks Equip. Inc.                    | Heil parts for solid waste trash truck                        |
| 15 | 13918 | 8/4  | 88.18                | Cameron Welding Supply                   | Welding materials for Solid Waste trucks                      |
| 16 | 13919 | 8/4  | 192.61               | City of Westminster-Water Billing        | Westminster lift station water                                |
| 17 | 13920 | 8/4  | 3,067.39             | Clean Energy                             | CNG Station site inspection                                   |
| 18 | 13921 | 8/4  | 400.00               | Country City Towing                      | Tow service for NG-10   |
| 19 | 13922 | 8/4  | 98.00                | County of Orange Treasurer-Tax Collector | Emergency radio in copier room                                |
| 20 | 13923 | 8/4  | 1,192.00             | CRC Cloud                                | Monthly maintenance & Support                                 |
| 21 | 13924 | 8/4  | 5,993.89             | Daniels Tire Service                     | Restock tires for solid waste                                 |
| 22 | 13925 | 8/4  | 1,309.88             | Dartco Transmission Sales & Srvs.        | Transmission repairs to NG-10 Solid Waste                     |
| 23 | 13926 | 8/4  | 3,902.32             | Haaker Equipment Co.                     | Repairs for NG-16 Vactor Truck Sewer Hose Controls            |
| 24 | 13927 | 8/4  | 159.51               | Hillco Fastener Warehouse Inc.           | Restock lock nuts and bolts for Solid Waste                   |
| 25 | 13928 | 8/4  | 205.41               | Motion and Flow Control Products, Inc.   | Hydraulic fittings for solid waste trucks                     |
| 26 | 13929 | 8/4  | 30,179.60            | Orange County Sanitation District        | Permit Fees Jul-2022  |
| 27 | 13930 | 8/4  | 6,719.18             | Pro-Vision, Inc.                         | Camera system provision multiplexer to tie into Samara system |
| 28 | 13931 | 8/4  | 5,173.60             | Rengel + Company Architects, Inc         | Solar Project - Posting & Bids                                |
| 29 | 13932 | 8/4  | 4,876.26             | Safety-Kleen Systems, Inc.               | Restock hydraulic, trans and oil for solid waste trucks       |
| 30 | 13933 | 8/4  | 27,616.56            | Samsara Inc.                             | License & GPS/Camera System                                   |
| 31 | 13934 | 8/4  | 97,844.84            | Sierra Container Group, LLC              | Restock Green and Black cans                                  |
| 32 | 13935 | 8/4  | 415.86               | Snap-On Tools                            | Batteries for electric tools for Shop use                     |
| 33 | 13936 | 8/4  | 233.71               | Staples Business Credit                  | Press machine for Shop  |
| 34 | 13937 | 8/4  | 22,227.99            | Tesco Controls, Inc.                     | Service Call for Generator Alarm/Troubleshooting              |
| 35 | 13938 | 8/4  | 29.25                | Underground Service Alert                | Lift stations repairs & upgrades/module replacement           |
| 36 | 13939 | 8/4  | 465.30               | UniFirst Corporation                     | Employee uniform & laundry services                           |
| 37 | 13940 | 8/4  | 1,158.49             | Robert Mayfield                          | 40 hrs vac payout in lieu of time taken off (emergency)       |
| 38 |       |      | <b>\$ 242,414.38</b> | <b>CHECKS SUBTOTAL</b>                   |   |
| 39 |       |      |                      |  |   |
| 40 |       |      |                      | <b>PAYROLL:</b>                          | <b>MEMO</b>   |
| 41 | ACH   | 8/5  | \$ 8,114.61          | Paychex                                  | Board of Directors Payroll - Checks, Taxes, & Direct Deposits |
| 42 | ACH   | 8/5  | \$ 846.00            | Nationwide Retirement Solutions          | 457 Deferred Compensation (Board of Directors)                |
| 43 | ACH   | 8/10 | \$ 74,821.32         | Paychex                                  | Employee Payroll - Checks, Taxes, & Direct Deposits           |
| 44 | ACH   | 8/10 | \$ 7,737.10          | Nationwide Retirement Solutions          | 457 Deferred Compensation (Employees)                         |
| 45 |       |      | <b>\$ 91,519.03</b>  | <b>ACH TRANSFERS SUBTOTAL</b>            |   |
| 46 |       |      |                      |  |   |

|    |     |      |                      |   |   |
|----|-----|------|----------------------|---|---|
| 47 |     |      |                      | <b>ACH PAYMENTS:</b>  | <b>MEMO</b>   |
| 48 | ACH | 8/1  | \$ 390.24            | CalPERS   | Board of Directors Health Insurance Premiums for Aug-2022 |
| 49 | ACH | 8/1  | \$ 60,278.18         | CalPERS   | Active Employee and Retiree Health Ins Premiums Aug-2022  |
| 50 | ACH | 8/8  | \$ 1,050.00          | CalPERS   | GASB 68 Reporting Services Fees                           |
| 51 | ACH | 8/10 | \$ 16,084.90         | CalPERS   | Retirement Contributions for 07/25 - 08/07/22             |
| 52 |     |      | <b>\$ 77,803.32</b>  | <b>ACH TRANSFERS SUBTOTAL</b>   |   |
| 53 |     |      |                      |   |   |
| 54 |     |      | <b>\$ 411,736.73</b> | <b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b> |   |
| 55 |     |      |                      |   |   |
| 56 |     |      |                      | <b>BANK TRANSFERS:</b>  |   |
| 57 | UB  | 8/8  | \$ 200,000.00        | Transfer Funds from LAIF to Union Bank Checking                             |   |
| 58 |     |      | <b>\$ 200,000.00</b> | <b>BANK TRANSFERS</b>   |   |

A motion was made by Director M. Nguyen, seconded by Director C. Nguyen to approve the expenditures in the amount of \$411,736.73. 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 reported that all of the directors attended the clean-up event.

President A. Nguyen reported that Jim Herberg, General Manager at OCSD, submitted his retirement paperwork.

### Report of General Manager

GM K. Robbins reminded the Board of the taco truck luncheon at the District on Wednesday, August 17, 2022, the CSDA conference starting on Monday, August 22, 2022, and the compost giveaway event on Saturday, August 27, 2022.

GM K. Robbins stated that he will be on vacation the last week of August.

### Report from Outreach Committee Meeting on August 3, 2022

Director T. Diep stated that the Committee met to discuss the final details for the compost event and to review the September schedule for radio outreach.

### Report from VietLink Radio Outreach on August 4, 2022

President A. Nguyen stated that he attended the recording with Director T. Diep and discussed SB1383, the bulky service, the clean-up event, and the compost event.

## Report from Me Vietnam Radio Outreach on August 12, 2022

Director S. Contreras stated that he attended the recording with Director M. Nguyen and Mike Carey from CR&R to discussed SB 1383, the battery recycling program, and the compost event.

## Report from the Clean-Up Event at Russell Paris Park on August 13, 2022

All of the Directors attended the event and agreed that it was another successful clean-up event. Director S. Contreras and President A. Nguyen thanked Staff.

## CONSENT CALENDAR

*(Roll Call Vote)*

- A. Approve and File the Treasurer's Investment Report for July 2022
- B. Approve the 4<sup>th</sup> Quarter Fiscal Year 2021-2022 Financial Reports and Budget Review

A motion was made by Director T. Diep, seconded by Director S. Contreras, 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, M. Nguyen

NAYS:

ABSTAIN:

ABSENT:

## OLD BUSINESS

None

## CLOSED EXECUTIVE SESSION

Director C. Nguyen requested a closed session and made a motion, which was seconded by Director M. Nguyen, to move the matter before new business. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

Assistant General Counsel, O. Sandoval convened the meeting into closed session at 5:43 pm to confer with legal counsel regarding one matter of anticipated litigation pursuant to Government Code § 54956.9(d)(2): (1 case)

**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. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –  
Significant exposure to litigation pursuant to Government Code §  
54956.9(d)(2): (1 case)

President A. Nguyen reconvened the open session portion of the meeting at 5:57 pm. Assistant General Counsel, O. Sandoval reported that the Board had met in the closed session to confer with legal counsel regarding one matter of anticipated litigation pursuant to Government Code § 54956.9(d)(2): (1 case) and that no reportable action had been taken.

**NEW BUSINESS**

A. Consider Award of a Contract to Woodcliff Corporation for the Addition and Remodel Improvements of the Midway City Sanitary District Office, Project No. 202041, in the amount of \$5,499,483.00, and Corresponding Budget 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 C. Nguyen, seconded by Director S. Contreras to (1) find the bid of the apparent low bidder RJ Daum to be non-responsive, (2) reject the protest filed by PCN3, Inc. to the bid of Woodcliff Corporation, (3) waive all minor irregularities in the bid of Woodcliff Corporation as immaterial and award a contract for the construction of the Addition and Remodel Improvements Project, Project No. 202041, to Woodcliff Corporation as the lowest responsive and responsible bidder in the amount of \$5,499,483, (4) authorize the General Manager to execute the contract documents on behalf of the District, and make minor modifications as appropriate, (5) authorize the General Manager to approve change orders up to ten percent of the total bid amount, in the aggregate, or \$549,948, and (6) increase 2022/2023 Building Project (Construction) budget from \$4,000,000 to \$6,000,000. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Consider Approval of the Outreach Committee Recommendations **(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 A. Nguyen, seconded by Director S. Contreras, to approve the Outreach Committee Recommendations as presented, except with a change to Recommendation No. 1. to have President A. Nguyen and Director S. Contreras to do the radio recording with VNCR instead of Radio Bolsa. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

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 LAWS

A motion was made by Director C. Nguyen, seconded by Director S. Contreras to approve adoption of Resolution No. 2022-20. 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:

**INFORMATIONAL ITEMS**

- A. 2022 Independent Special Districts of Orange County (ISDOC) Election Timeline and ISDOC Call to Nomination form

Receive and file.

**BOARD CONCERNS/COMMENTS**

Directors M. Nguyen and President A. Nguyen thanked General Counsel and staff for their help with moving the building project forward.

**GM/STAFF CONCERNS/COMMENT**

GM K. Robbins reminded the Board that there will be a group photo taken at the luncheon tomorrow.

Finance/HR Director, R. Housley reported that independent audits is going on this week.

**GENERAL COUNSEL CONCERNS/COMMENTS**

None

**ADJOURNMENT**

President A. Nguyen adjourned the meeting at the District office at 6:04 pm to the next Board meeting to be held on Tuesday, September 6, 2022 at 5:30 pm.

Sergio Contreras  
Sergio Contreras, Secretary