

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE MIDWAY CITY  
SANITARY DISTRICT OF ORANGE COUNTY  
14451 CEDARWOOD STREET  
WESTMINSTER, CA 92683**

**March 5, 2024**

**CALL TO ORDER:**

President M. Nguyen called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Street, Westminster, California on Tuesday, March 5, 2024 at 5:35 P.M.

**BOARD MEMBERS PRESENT:**

Mark Nguyen  
Tyler Diep (arrived @ 5:40 P.M.)  
Chi Charlie Nguyen (arrived @ 5:36 P.M.)  
Andrew Nguyen  
Sergio Contreras

**STAFF MEMBERS PRESENT:**

Robert Housley, General Manager  
Ashley Davies, Director of Servs. & Program Development  
Cynthia Olsder, Executive/Board Secretary

**OTHERS PRESENT:**

James H. Eggart, General Counsel Woodruff & Smart  
Julie Barreda, CR&R Inc.  
Garbriel Angulo, CR&R Inc.

**PLEDGE OF ALLEGIANCE AND INVOCATION:**

President M. Nguyen led the Pledge of Allegiance. Director S. Contreras gave the Invocation.

Director C. Nguyen arrived at 5:36 P.M.

**PUBLIC COMMENTS:**

None

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING ON FEBRUARY 16, 2024, AND  
THE MINUTES OF THE REGULAR MEETING ON FEBRUARY 20, 2024:**

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve the minutes of the Special Meeting on February 16, 2024, and of the Regular Meeting on February 20, 2024. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

## **REPORTS:**

### **Report of President**

None

### **Report of General Manager**

GM R. Housley provided updates on current affairs and planned activities at the District. He stated that the District has begun the process of recruiting a candidate to serve as the Director of Finance and Human Resources. Furthermore, he disclosed that he intends to apply for the role of SDRMA Board Member.

### **Director of Services & Program Development**

Director of Services & Program Development A. Davies provided an update on all planned outreach-related activities. She reported that the Compost event is scheduled for Saturday, July 20, 2024, and the 85<sup>th</sup> Anniversary event is scheduled for Saturday, September 14, 2024

Director T. Diep arrived at 5:40 P.M.

### **Report of CR&R 4<sup>th</sup> Quarter & Annual Report**

Sr. Regional VP J. Barreda gave a presentation on recycling and program updates. According to the findings of a recent one-week audit of the black trash carts, she reported, 53.3% of the contents were trash, 13.89% were recyclables, and 32.81% were organic waste. She also reported that CR&R is currently working on mailing out educational SB1383 flyers throughout their service area, and they will keep working closely with the District to educate the people of Westminster and Midway City of the SB 1383 regulations.

### **Report of OC San Board of Directors Meeting on February 28, 2024**

Director A. Nguyen provided sewer construction updates in Orange County and announced that OC San will be having an Open House celebrating their 70<sup>th</sup> Anniversary on Saturday, June 8, 2024.

### **Report of District Employee Luncheon on February 28, 2024**

Director T. Diep, Director A. Nguyen, and Director C. Nguyen attended the luncheon to recognize some staff for their outstanding customer service.

### **Report of Westminster City Council Meeting on February 28, 2024**

President M. Nguyen attended the meeting to accept the certificate of recognition on behalf of the District for sponsoring the Tet Parade.

### **Report of the Clean-up Event at Liberty Park on March 2, 2024**

President M. Nguyen, Director C. Nguyen, Director A. Nguyen, and Director S. Contreras attended the clean-up and reported that despite the heavy downpour, it was another successful event.

## **CONSENT CALENDAR:**

- A. Receive and File the Register of Demands in the Amount of \$329,681.48
- B. Approve the Statement of Work for Audit Services, the Agreed-upon Procedures, and Compilation & Preparation Between the Midway City Sanitary District and CliftonLarsonAllen, LLP to Perform the Independent Audit for Fiscal Year 2023-2024

C. Approve Fiscal Year 2023-2024 Budget Adjustment No.1

D. Receive and File the California Employer's Pension Prefunding Trust (CEPPT) Account Update Summary as of December 31, 2023

E. Receive and File the California Employer's Retiree Benefit (CERBT) Account Update Summary as of December 31, 2023

F. Approve General Manager, Robert Housley's, Vacation Request for June 19, 2024 through June 28, 2024 for a total of Eight (8) Days and Approve Acting Pay for Director of Operations & Safety, Nick Castro for Eight (8) Days

G. Approve General Manager, Robert Housley's, Time off Request for February 19, 2024 through February 23, 2024 for a total of Five (5) days and Approve Acting Pay for Director of Services & Program Development, Ashley Davies for Five (5) Days

A motion was made by Director T. Diep, seconded by Director A. Nguyen, to approve the Consent Calendar. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

**OLD BUSINESS:**

None

**NEW BUSINESS:**

A. Approval of Side Letter Agreement ("Agreement") with American Federation of State, County and Municipal Employees, AFL-CIO Local 1734-01 ("Union")

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve the side letter Agreement ("Agreement") with American Federation of State, County and Municipal Employees, AFL-CIO Local 1734-01 ("Union"). The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. A RESOLUTION No. 2024-04 FIXING THE EMPLOYER CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS (PERS ALL EMPLOYEES)

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to adopt Resolution No. 2024-04 as presented at the meeting. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

**C. A RESOLUTION No. 2024-05 FIXING THE EMPLOYER CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS (NON-PERS BOARD OF DIRECTORS)**

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director T. Diep, seconded by Director S. Contreras, to adopt Resolution No. 2024-05 as presented at the meeting. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

**INFORMATIONAL ITEMS:**

Receive and File.

**BOARD CONCERNS AND COMMENTS:**

The Directors thanked Staff.

Director A. Nguyen expressed gratitude to the Staff and Directors for attending his brother's service.

**GM/STAFF CONCERNS AND COMMENT:**

None

**GENERAL COUNSEL CONCERNS AND COMMENTS:**

None

General Counsel, J. Eggart convened the meeting to closed session at 6:12 P.M. for consideration of the following two matters identified on Agenda pursuant to applicable law.

**CLOSED 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 PERFORMANCE EVALUATION (Government Code Section 54957(b)(1))  
Title: General Manager
- B. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)  
Title: Agency Designated Representatives: Sergio Contreras, Andrew Nguyen, and James Eggart  
Unrepresented Employee: Robert Housley

President M. Nguyen reconvened the open session portion of the meeting at 7:07 P.M.

General Counsel J. Eggart reported that the Board had met in closed session as identified on Agenda Item 13A and Item 13B, and that no reportable action had been taken.

**OPEN SESSION ITEM AFTER CLOSED SESSION:**


- A. Discuss and Consider Approval of Award of Performance Bonus and/or Increase to General Manager Salary or Compensation Pursuant to General Manager Employment Agreement and Direction to General Counsel to Prepare Ratifying Resolution

A motion was made by President M. Nguyen, seconded by Director A. Nguyen, that in recognition of the General Manager's exceptional job performance during the performance period under review, (1) effective March 8, 2024, the General Manager's current annual base salary shall be increased to \$210,000; and (2) the District's General Counsel is directed to prepare a resolution ratifying this minute action for Board of Director approval at the regular meeting of the Board on March 19, 2024. The motion was approved by the following 5-0 vote:

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

**ADJOURNMENT:**

President M. Nguyen adjourned the meeting at 7:14 P.M. to the next Board Meeting to be held at the District on Tuesday, March 19, 2024, at 5:30 P.M.

  
Andrew Nguyen, Secretary