

**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**

**October 18, 2022**

**CALL TO ORDER**

Vice President T. Diep called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, October 18, 2022 at 5:37 PM.

**BOARD MEMBERS PRESENT:**

Tyler Diep (via teleconference, arrived at 6:15)  
Sergio Contreras (via teleconference)  
Chi Charlie Nguyen  
Mark Nguyen

**BOARD MEMBERS ABSENT:**

Andrew Nguyen

**STAFF PRESENT:**

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

**OTHERS PRESENT:**

James Eggart, General Counsel  
Aston Kauwe, Resident

**PLEDGE AND INVOCATION**

Director C. Nguyen led the Pledge of Allegiance. GM K. Robbins gave the Invocation.

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 4, 2022 &  
APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF OCTOBER 11, 2022**

***(Roll Call Vote)***

A motion was made by Director S. Contreras, seconded by Director C. Nguyen, to approve the minutes of both the regular meeting of October 4, 2022, and the special meeting of October 11, 2022. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

**APPROVAL OF EXPENDITURES**

**(Roll Call Vote)**

**A. Demands in the amount of \$228,658.29**

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14048	10/1	195.00	Advanced Office	Ricoh copier repairs
2	14049	10/1	12,712.23	Alternative Fuel Solutions	NG4 engine rebuild blown for trash truck
3	14050	10/1	110.00	Asbury Environmental Services	Disposal of oil filters & fuel filters
4	14051	10/1	2,031.42	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
5	14052	10/1	633.00	Clean Energy	CNG Station site inspection
6	14053	10/1	4,890.00	CliftonLarsonAllen, LLP	Billing for FYE 06.30.2022 independent audit services
7	14054	10/1	0.00	Dtntech	Void check invoice paid via credit card -Envelopes
8	14055	10/1	1,223.90	Frontier Communications	District office phones & lift stations
9	14056	10/1	33.90	LegalShield	Prepaid legal Sep - 2022
10	14057	10/1	1,533.55	Los Angeles Truck Centers, LLC	Steering column for trash trucks
11	14058	10/1	1,499.52	Orange County Treasurer-Tax Collector	Property tax fees 2022-2023
12	14059	10/1	9,857.72	Southern California Edison	District Offices, CNG station, and lift stations
13	14060	10/1	1,337.52	Standard Insurance Company Life	Life Insurance & AD&D Premiums
14	14061	10/1	232.15	UniFirst Corporation	Employee uniform & laundry services
15	14062	10/7	745.00	Atlas Radiator, Inc.	Radiator repair for NG-3 for trash truck
16	14063	10/7	450.00	Ayala's Car Wash	Washing and cleaning of District's fleet
17	14064	10/7	885.34	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
18	14065	10/7	1,802.68	Clean Energy	CNG Station site inspection
19	14066	10/7	1,328.76	CRC Cloud	Scanner for Daveta and Leanne delivery and setup
20	14067	10/7	3,772.06	Daniels Tire Service	Restock tires for solid waste
21	14068	10/7	275.00	MemorialCare Medical Foundation	Pre-employment drug test and DMV physical for CDL
22	14069	10/7	3,854.00	Odyssey Power Corporation	District yard generator preventative maintenance
23	14070	10/7	26,391.36	Orange County Sanitation District	Permit Fees Sep - 2022
24	14071	10/7	57.00	Paychex - Employee Screening	New hire employee screening
25	14072	10/7	469.00	Rengel + Company Architects, Inc	Building project reimbursement expenses
26	14073	10/7	4,426.93	SDRMA - Employee Benefits	Dental and vision premiums
27	14074	10/7	75.31	Snap-On Tools	Two flat tip screwdrivers
28	14075	10/7	381.12	SoCal Auto & Truck Parts, Inc.	Tools and equipment for shop use
29	14076	10/7	15,432.42	SoCalGas	Natural Gas for CNG Station
30	14077	10/7	914.58	Staples Business Credit	Restock office supplies for Sep-2022
31	14078	10/7	300.00	Streamline	Website monthly member fee
32	14079	10/7	16,363.73	TEC Of California, Inc.	Restock parts, supplies, fleet repairs and maintenance
33	14080	10/7	71.25	Underground Service Alert	Lift stations repairs & upgrades/module replacement
34	14081	10/7	89.65	UniFirst Corporation	Employee uniform & laundry services
35	14082	10/7	5,500.00	WEX Health Inc - Reserve Account	Reserve funds for HRA 2022 plan year
36			<b>\$ 119,875.10</b>	<b>CHECKS SUBTOTAL</b>	
37					
38				<b>PAYROLL:</b>	<b>MEMO</b>
39	ACH	10/5	\$ 76,177.56	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
40	ACH	10/5	\$ 7,850.63	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
41	ACH	10/7	\$ 7,550.91	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
42	ACH	10/14	\$ 801.00	Nationwide Retirement Solutions	457 Deferred Compensation (Board of Directors)
43			<b>\$ 92,380.10</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
44					
45				<b>ACH PAYMENTS:</b>	<b>MEMO</b>
46	ACH	9/20	\$ 343.00	Paychex	Time & Attendance Sep - 2022
47	ACH	10/5	\$ 16,403.09	CalPERS	Retirement Contributions for 9/19 - 10/02/22
48			<b>\$ 16,403.09</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
49					
50			<b>\$ 228,658.29</b>	<b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b>	
51					
52				<b>BANK TRANSFERS:</b>	
53	UB	10/4	\$ 250,000.00	Transfer Funds from LAIF to Union Bank Checking	
54			<b>\$ 250,000.00</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 \$228,658.29. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

## **REPORTS**

### **Report of President**

None

### **Report of General Manager**

GM K. Robbins reported that the building project has started, the trailer has been set up, and the expected move in date is in the first half of November. He also reported that the proposals for the solar project are expected next week.

GM K. Robbins reported that he received 3 proposals for the sewer system management plan. The work is expected to take half a year to a year to be completed, and the cost is between \$500,000 and \$800,000. He also reported that he received 4 proposals for the voice over IP phone system.

### **Report from the Outreach Committee Meeting on October 5, 2022**

Director C. Nguyen reported that the Committee met to discuss the radio outreach schedule for November.

### **Report from the VietLink Radio Outreach October 6, 2022**

Director C. Nguyen reported that he attended the recording with President A. Nguyen and discussed all the services the District provides and informed the residents of the last clean-up event of the year.

### **Report from the Me Vietnam Radio Outreach October 7, 2022**

Director S. Contreras reported that he attended the recording with Director M. Nguyen and discussed all the services the District provides, informed the residents of the last clean-up event of the year and how to recycle batteries to prevent fires.

### **Report from Orange County Sanitation District Meeting on October 12, 2022**

None

## Report from the Clean-Up Event @ Liberty Park on October 15, 2022

Director S. Contreras reported that he attended the event with President A. Nguyen, Director C. Nguyen, and Director M. Nguyen, and that it was another successful event.

### CONSENT CALENDAR

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

B. Approve a \$250,000 Contribution to the District's CEPPT Trust Account and Authorize the Director of Finance and Human Resources to Execute the Transactions

A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to approve the Consent Calendar. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

### OLD BUSINESS

None

### NEW BUSINESS

A. Consider Approval of the 2023 Midway City Sanitary District Annual Calendar **(Roll Call Vote)**

A staff report and recommendations were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director M. Nguyen, to approve of the 2023 Midway City Sanitary District annual calendar with a change to remove Board Members' signatures. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

B. Consider Approval of the Outreach Committee Recommendations **(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 Director M. Nguyen, to approve the Outreach Committee recommendations. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

C. Appointment of Labor Negotiators regarding Interim General Manager Position **(Roll Call Vote)**

A staff report and recommendations were provided and considered by the Board. A motion was made by Vice President T. Diep, seconded by Director S. Contreras, to appoint General Counsel J. Eggart, Director S. Contreras and Director C. Nguyen to serve as the Board's designated labor representatives for purposes of conducting labor negotiations with Director of Finance and Human Resources R. Housley, an unrepresented employee, regarding the position of Interim General Manager, an unrepresented employee position.

The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: A. Nguyen

**INFORMATIONAL ITEMS**

None

**BOARD CONCERNS/COMMENTS**

None

**GM/STAFF CONCERNS/COMMENT**

Finance/HR Director reported that the annual independent audit is done and it will be presented at the next board meeting.

**GENERAL COUNSEL CONCERNS/COMMENTS**

General Counsel J. Eggart reported that Government Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023. Once it is lifted, there will no longer be authority to hold emergency teleconference meetings pursuant to AB 361.

General Counsel J. Eggart also reported that he is in the process of preparing a memo and/or presentation to the Board and staff about the new legislation regarding solid waste, recycling, and other matters affecting the District and will also include the Levine Act amendments.

General Counsel J. Eggart convened the meeting to closed session at 5:59 PM to consider the employment and appointment of the general manager and interim general manager positions pursuant to Government Code Section 54957(b)(1) and for the Board to confer with its appointed labor negotiators pursuant to 54957.6 regarding the interim general manager position and unrepresented employee R. Housley. It was noted that General Counsel J. Eggart, Director S. Contreras and Director C. Nguyen were appointed to serve as the Board's designated labor negotiators pursuant to Item 9.C.

## 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 and Interim General Manager

### B. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Title: Agency Designated Representatives: To be Appointed in Open Session Prior to Closed Session. Unrepresented Employee: Robert Housley

Vice President T. Diep reconvened the open session portion of the meeting at 6:24 PM.

General Counsel J. Eggart reported that the Board had met in closed session pursuant to Government Code Section 54957(b)(1) and 54957.6 to consider employment and appointment regarding the General Manager and Interim General Manager positions and to confer with its designated labor negotiators, as noted on Agenda Item No.14, and that no reportable action had been taken.

## ADJOURNMENT

Vice President T. Diep adjourned the meeting at 6:25 PM to the next Board meeting to be held at the District office on Tuesday, November 1, 2022 at 5:30 PM.

Sergio Contreras

Sergio Contreras, Secretary