

**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 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.

August 4, 2020

CALL TO ORDER

President C. 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, August 4, 2020 at 5:00 P.M.

BOARD MEMBERS PRESENT:

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

GM K. Robbins led the Pledge of Allegiance. Director M. Rice gave the Invocation.

PUBLIC COMMENTS

None

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF JULY 10, 2020
(Roll Call Vote)**

A motion was made by Director A. Nguyen, seconded by Director M. Rice, to approve the minutes of the special meeting of July 10, 2020. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF JULY 21, 2020
(Roll Call Vote)**

A motion was made by Director A. Nguyen, seconded by Director M. Rice, to approve the minutes of the special meeting of July 21, 2020. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 302,738.51 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	MEMO
1				CHECKS:	
2	11614	7/17	\$ 35.00	Advanced Workplace Strategies, Inc	Random Drug Testing for DOT
3	11615	7/17	\$ 179.92	AT&T Mobility	Cell Phone Service for July 2020
4	11616	7/17	\$ 795.00	Ayala's Car Wash	Fleet wash 7/13, 7/16
5	11617	7/17	\$ 206.70	Cintas	Uniform Services for 7/16
6	11618	7/17	\$ 369.53	Staples Business Credit	June 2020 Office Supplies
7	11619	7/17	\$ 2,737.00	Woodruff, Spradlin & Smart	Legal Services for June 2020
8	11620	7/22	\$ 323.12	AT&T	Brookhurst Lift Station July 2020
9	11621	7/22	\$ 590.00	Ayala's Car Wash	Fleet wash 7/20
10	11622	7/22	\$ 2,310.00	City of Westminster Finance Dept	2nd Qtr 2020 Over The Top Fees to Westminster
11	11623	7/22	\$ 56.23	City of Westminster	Hydrant Water Service for July 2020
12	11624	7/22	\$ 144.00	Gustavo Carrera	Reimburse for overdraft fees-direct deposit sent to wrong bank
13	11625	7/22	\$ 34.82	Hillco Fastener Warehouse, Inc	Restock locknuts for Solid Waste trucks
14	11626	7/22	\$ 4,697.03	Rosemead Oil Products, Inc	Motor and transmission oil for fleet
15	11627	7/23	\$ 250.00	Gustavo Carrera	Direct Deposit returned account not updated in time for PR processing
16	11628	7/29	\$ 152.50	Advanced Gas Products	Cylinder Rental for May/June 2020 & Supplies
17	11629	7/29	\$ 116.20	Advanced Workplace Strategies, Inc	Collector's Charges Onsite Fees & Mileage July 2020
18	11630	7/29	\$ 345.00	Ayala's Car Wash	Fleet wash 7/23
19	11631	7/29	\$ 3,001.90	Bodyworks Equipment, Inc	Restock filters & hydraulic hoses/cylinder for Solid Waste trucks

20	11632	7/29	\$ 261.77	Cintas	Uniform Services for 7/23
21	11633	7/29	\$ 106,908.42	CR Transfer Incorporated	Solid Waste and Organics Tonnage Fees 7/01/20 through 7/15/20
22	11634	7/29	\$ 816.00	CRC Cloud	Maintenance/Support August 2020
23	11635	7/29	\$ 406.32	Daniel's Tire Service	(2) Restock tires for Solid Waste trucks
24	11636	7/29	\$ 1,703.66	Driveshaftpro	Drive-line shaft parts for NG-4
25	11637	7/29	\$ 1,144.47	Frontier Communications	District Office Phones & Lift Stations for July 2020
26	11638	7/29	\$ 67.80	LegalShield	Legalshield/ID Svcs. July 2020
27	11639	7/29	\$ 420.00	Merchants Building Maintenance	COVID-19 deep cleaning and sanitization
28	11640	7/29	\$ 88.14	Socal Auto & Truck Parts Inc	Replacement oil filter and motor oil for Sewer truck S-2
29	11641	7/29	\$ 6,386.79	Southern California Edison	District Offices, CNG Station and Lift Stations for July 2020
30	11642	7/29	\$ 71.75	Time Warner Cable	Television service July 2020
31	11643	7/29	\$ 1,226.96	Standard Insurance Company	Life Insurance & AD&D Premium Coverage for August 2020
32	11644	7/29	\$ 600.00	Digital Deployment dba Streamline	Website Monthly Member Fee: June/July 2020
33	11645	7/29	\$ 103.91	TrucParCo	Replacement battery for Sewer truck S-2
34	11646	7/29	\$ 125.60	Union Bank	Basketball hoop for 8801 Carmel Circle incident 6/12/20
35	11647	7/29	\$ 465.25	Tec of California, Inc	Filters,oil cap filler/seal gaskets,axle brake system,electrical harness(NG-3),brake pads
36				Tec of California, Inc	(5) Credits for Core Return (\$1801.95)
37	11648	7/29	\$ 435.00	Ayala's Car Wash	Fleet wash 7/27
38			\$ 137,575.79	CHECKS SUBTOTAL	
39					
40				PAYROLL	
41	ACH	7/28	\$ 73,716.31	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
42	ACH	7/29	\$ 3,366.18	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Employees)
43	ACH	7/29	\$ 560.00	Nationwide Retirement Solutions	457 Roth (100% Paid By Employees)
44			\$ 77,642.49	ACH TRANSFERS SUBTOTAL	
45					
46				ACH PAYMENTS	
47	ACH	7/16	\$ 15,623.56	CalPERS	Retirement Contributions for 06/29/2020-07/12/2020
48	ACH	7/26	\$ 15,633.42	CalPERS	Retirement Contributions for 07/13/2020-07/26/2020
50	ACH	8/3	\$ 52,657.59	CalPERS	Active Employee and Retiree Health Ins Premiums for August 2020
51	ACH	8/3	\$ 3,605.66	CalPERS	Board of Directors Health Insurance Premiums for August 2020
52			\$ 87,520.23	ACH TRANSFERS SUBTOTAL	
53					
54			\$ 302,738.51	TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL, ACH TRANSFERS)	
55					
56				BANK TRANSFERS	
57	UB	7/20	\$150,000.00	Transfer Funds from UB Money Market Account to UB Checking Account	
58	LAIF	7/23	\$300,000.00	Transfer Funds from LAIF to Union Bank Checking Account	

A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$ 302,738.51. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that the District's new front loader truck, being purchased to help pick up bulky items, will be ready for a plant inspection on September 21 and that delivery would take place sometime in October if there were no issues, but no later than December.

GM K. Robbins reported that District staff was back at full capacity after three MCSD staff members were out sick with COVID-19, three others out due to various other medical issues and one out on vacation. Two of the staff members with COVID-19 have already returned to work after testing negative. He reported that during that time, staff stepped up so that there was minimal impact to service within the District.

Report from Orange County Sanitation District (OCSD) Meeting on July 22, 2020

Director A. Nguyen reported that there were 20, 25 and 30 year service awards given out, nine employees tested positive for COVID-19 last month and that former Director John Collins was honored. He reported that Orange County beaches were ranked amongst the best in the State - Seal Beach, Huntington Beach and Newport Beach received A+ ratings by Heal the Bay for the cleanest beaches in Orange County which is a clear indicator that OCSD's collection, treatment and monitoring efforts and dry weather urban runoff diversion program are protecting ocean water quality.

Report from the Virtual Independent Special Districts of Orange County (ISDOC) Quarterly Meeting on July 23, 2020

President C. Nguyen, Directors A. Nguyen and S. Contreras reported that the speaker was the honorable Don Wagner, Supervisor, 3rd District, who spoke reading COVID-19 and how special districts are dealing with it and certain funding that may be available.

Report from the Calendar Committee Meeting on July 24, 2020

Director M. Rice reported that there were changes made to three pages of the calendar.

Director A. Nguyen reported that they were adding some black and white pictures.

GM K. Robbins reported that a final draft of the calendar will be brought back to the Board for final approval.

Report from the MCSD Clean Up Event on July 25, 2020

Director A. Nguyen stated that he couldn't believe how many people showed up for the clean-up event, and that the ten large bins were filled within two hours.

Director S. Contreras stated that staff processed the items rather quickly.

GM K. Robbins stated that he lost count after 225 cars.

CONSENT CALENDAR

A. Approve the June 2020 Financial Reports and Budget Review for the Period of July 1, 2019 through June 30, 2020 **(Roll Call Vote)**

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

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

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS

None

NEW BUSINESS

A. Consider Approval of Printer for 2021 Midway City Sanitary District Calendar **(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 C. Nguyen, seconded by Director A. Nguyen, to approve the Calendar Committee's recommendation to approve DTN Tech to print and mail the District's 2021 calendar to all residents and businesses within the District for \$36,517.44, plus any increases to postal service that may occur after Board approval. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Discussion and Consideration to Appointing at Least One but Preferable Two Board Members to be a Part of an Ad-Hoc Committee for Architect Selection Interview Panel on August 7, 2020 from 9:30 A.M. until 2:30 P.M.

(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 M. Rice, seconded by Director A. Nguyen, to appoint Directors A. Nguyen and C. Nguyen to be part of the Architect/Construction Management selection Ad-Hoc Committee. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

C. Discuss and Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meeting On Tuesday, August 18, 2020 at 5:30 P.M. to a Special Teleconference Meeting at 5 P.M. Due to the COVID-19 Pandemic
(Roll Call Vote)

Director M. Rice asked how much longer the Board felt it was necessary to hold the Board meetings via teleconference. She stated that since there are only 7 people who normally attend, she felt that the meetings could be held safely in the Board room.

There was discussion regarding continuing the teleconference meetings, versus having a meeting outdoors or socially distanced in the Board room so that the Board could meet and discuss agenda items properly.

A motion was made by President C. Nguyen, seconded by Director S. Contreras, to approve changing the regularly scheduled Board meeting on Tuesday, August 18, 2020 at 5:30 P.M. to a special teleconference meeting at 5 P.M. due to the COVID-19 pandemic. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

A. CalPERS Announces Health Plan Premiums for 2021

Receive and file.

BOARD CONCERNS/COMMENTS

Director S. Contreras stated that he is open to a meeting outdoors but not ready for a meeting in the Board room yet due to its size. He stated that he wanted to acknowledge all staff members who were at the clean-up event for all their hard work.

Director A. Nguyen thanked everyone for being at the meeting and staff for their hard work.

Director M. Rice thanked everyone for allowing her to voice her opinions and thanked everyone for listening. She stated that the District should send a thank you note signed by the Board President to CR&R for providing the bins for the clean-up event.

President C. Nguyen stated that he was proud of the services provided by the District to its constituents. He stated that he asked the General Manager to express his appreciation to staff.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that Finance/HR Director R. Housley emailed the Department of Finance regarding the CARES Act and that found that the District is not eligible yet.

GM K. Robbins stated that he would be out on vacation for the first meeting in September so would bring an item regarding an outdoor meeting of the Board for the second meeting in September.

GM K. Robbins stated that the District collected ten large bins, two full bulky trucks full of metal and over 50 mattresses at the clean-up event.

Director M. Rice stated that another City Council member was running for a place on the Board and asked if General Counsel had checked incompatibility yet because she did not feel that it would behoove the District to have a majority on the Board that was also on the City Council.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel James Eggart stated that upon the request of the Board, he did some research on the compatibility of offices for Board members and so far had found nothing that says that City Council members cannot also be on the MCSD Board. He stated that Government Code 1099 states that two public offices are incompatible with one another if there is a possibility of a significant clash of duties or loyalties with the two offices and that the Sanitary District Act of 1923 states that any member of the City Council is not disqualified from holding a seat on the Sanitary District Board. He stated that the incompatibility statute does not address the issues of a majority and that he could not find any laws that prohibit it. He stated that it does, however, create certain issues that those Board members would need to be more diligent of in order to not violate Brown Act laws. He stated that it is really not an issue because if two offices are found to be incompatible, the Board member would simply forfeit his previous seat but that for instance, there is an exception in the Orange County Water District Act.

Director M. Rice stated that she is concerned about a majority of the MCSD Board also being on City Council and that she would be contacting some legislators regarding this issue.

General Counsel James Eggart stated that he would continue to research this topic.

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 C. Nguyen adjourned the meeting to Tuesday, August 18, 2020 at 5:00 P.M. at the District office at approximately 6:05 P.M.

Sergio Contreras
Sergio Contreras, Secretary