

**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**

**EVERYONE WHO ATTENDED THIS HYBRID/TELECONFERENCE MEETING
ATTENDED IN PERSON; HOWEVER, PARTICIPANTS WERE ELIGIBLE TO
ATTEND 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 17, 2021

CALL TO ORDER

President A. Nguyen called the regular in-person hybrid/teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, August 17, 2021 at 5:32 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep
Sergio Contreras
Chi Charlie Nguyen
Andrew Nguyen

OTHERS AT MEETING:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
Omar Sandoval, Acting General Counsel
Danielle Gerardo, Executive Board Secretary
Gregory Karapoulios, CR&R

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 AUG. 3, 2021 (Roll Call Vote)

A motion was made by Director T. Diep, seconded by President A. Nguyen, to approve the minutes of the regular meeting of August 3, 2021. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$126,058.58

(Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	
1				CHECKS:	MEMO:
2	12987	8/3	\$ 2,404.65	Atlas Radiator, Inc.	Replacement radiator for NG-3 for solid waste trucks
3	12988	8/3	\$ 225.00	Ayala's Car Wash	Fleet vehicle wash 7/26/21
4	12989	8/3	\$ 5,902.95	Bodyworks Equipment Inc.	Restock Heil parts for solid waste trucks
5	12990	8/3	\$ 263.28	Cintas	Employee uniform services for 7/29
6	12991	8/3	\$ 346.50	Clean Energy	CNG Station Site Inspection
7	12992	8/3	\$ 1,200.00	Clifton Larson Allen, LLP	FYE 06/30/21 Audit
8	12993	8/3	\$ 2,990.00	CRC Cloud	Maintenance & Support August-2021
9	12994	8/3	\$ 1,612.00	HB Staffing	07/19/21-07/25/21 for temporary employee services
10	12995	8/3	\$ 557.38	Odyssey Power Corporation	Replace battery for portable generator
11	12996	8/3	\$ 119.00	Remington Pure	Water Filtration Service
12	12997	8/3	\$ 6,863.89	Rengel + Company Architects, Inc	Change order for OCFA sprinklers/hydrant for building project
13	12998	8/3	\$ 4,065.82	SDRMA - Employee Benefits	Dental benefits August-2021
14	12999	8/3	\$ 79.06	SoCal Auto & Truck Parts, Inc.	Restock brake cleaner & windshield wash for solid waste trucks
15	13000	8/3	\$ 1,234.24	Standard Insurance Company Life	Life Insurance & AD&D Premium Coverage
16	13001	8/3	\$ 499.76	Staples Business Credit	Restock Office Supplies July-2021
17	13002	8/3	\$ 300.00	Streamline	Website Monthly Member Fee 08/01/21-09/01/21
18	13003	8/3	\$ 207.93	TrucPar Company	Replacement air valves for solid waste trucks
19	13004	8/3	\$ 59.60	Underground Service Alert	Dig alerts New Tickets for Jul-2021 & Monthly Fee
20	13005	8/3	\$ 62.00	Orange County Treasurer-Tax Collector	Emergency radio in copier room 07/1/21-09/30/21
21	13006	8/3	\$ 19,814.00	Rengel + Company Architects, Inc	Change order for OCFA sprinklers/hydrant for building project
22	13007	8/9	\$ 12,984.00	Wow Special Events, Inc.	Open House/Ground Breaking Event Aug 28th & 29th
23	13008	8/10	\$ 1,197.45	Agility Fuel Solutions	Replacement CNG fuel hose for the NG-1 solid waste
24	13009	8/10	\$ 490.00	Ayala's Car Wash	Fleet vehicle wash 08/02/21
25	13010	8/10	\$ 1,677.10	Bodyworks Equipment Inc.	Restock Heil parts for solid waste trucks
26	13011	8/10	\$ 220.50	Clean Energy	CNG Station Site Inspection
27	13012	8/10	\$ 44.22	Dartco Transmission Sales & Svcs.	Replacement parts for NG-3 solid waste truck
28	13013	8/10	\$ 1,612.00	HB Staffing	07/26/21-08/01/21 for temporary employee services
29	13014	8/10	\$ 571.29	Hose-Man, Inc.	Replacement hoses for NG-3 solid waste
30	13015	8/10	\$ 5,227.59	Jaycox Construction CNG	CNG Installation of Gas pressure regulator and pressure testing
31	13016	8/10	\$ 804.23	Merchants Building Maintenance, LLC	Monthly Janitorial Service
32	13017	8/10	\$ 2,200.00	MITN Studio	35 Second Clips, Facebook management and Facebook advertising
33	13018	8/10	\$ 1,648.65	Rutan & Tucker, LLP	Legal Services July-2021
34	13019	8/10	\$ 9,251.76	SoCalGas	CNG Station from 07/01/2021 through 08/01/2021
35	13020	8/10	\$ 6,992.66	TEC Of California, Inc.	Restock and replacement parts for solid waste trucks
36	13021	8/10	\$ 40.72	TrucPar Company	Adhesive for Insulation for solid waste trucks

37	13022	8/10	\$ 13,510.44	Dintech	Open house postcards
38	13023	8/11	\$ 247.69	Dintech	Open House poster boards 08/28-08/29/21
39	13024	8/11	\$ 2,000.00	Maxime Live	Deposit for 08/29 entertainment for Open House
40			\$ 109,527.36	CHECKS SUBTOTAL	
41					
42				PAYROLL:	MEMO
43	ACH	8/6	\$ 688.50	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
62	ACH	8/6	\$ 6,239.76	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
44	ACH	8/10	\$ 4,255.96	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
45	ACH	8/10	\$ 73,050.65	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
46	ACH	8/11	\$ 4,681.14	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
47	ACH	8/11	\$ 835.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
48	ACH	8/12	\$ 75.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
49	ACH	8/12	\$ 200.00	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
50			\$ 688.50	ACH TRANSFERS SUBTOTAL	
51					
52				ACH PAYMENTS:	MEMO
53	ACH	8/10	\$ 15,842.72	CalPERS	Retirement Contributions for 07/26/21 - 08/08/21
54	ACH	8/11	\$ 1,050.00	CalPERS	Fees for GASB-68 reports & schedule
55			\$ 15,842.72	ACH TRANSFERS SUBTOTAL	
56					
57					
58			\$ 126,058.58	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	

A motion was made by President A. Nguyen, seconded by Director C. Nguyen to approve the expenditures in the amount of \$126,058.58. The motion was approved by the following 3-1 roll call vote:

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

NAYS:

ABSTAIN: T. Diep

ABSENT:

REPORTS

Report of President

President A. Nguyen thanked the Board of Directors and Staff for honoring former Director Margie Rice by attending her funeral service.

Report of General Manager

GM K. Robbins reported that he was glad to see everyone at former Director Margie Rice's funeral service and that it was a very touching.

GM K. Robbins stated that the bid advertisement for the District project went out and is on the District's website. There will be a pre-bid project walk-through on August 31, 2021 with bids due by September 14, and they would be opened at the Board meeting that day. Rengel will provide a recommendation for the lowest qualified bidder for the October 5, 2021 Board meeting agenda with an anticipated start date of November 1, 2021. There is a six-month timeline for the project with its estimated finish in May of 2022. Bids for the solar project will come after that.

GM K. Robbins reminded the Board of the Clean-up event on Saturday, August 21, the District's Open House/Groundbreaking Event on Saturday August 28 and Sunday, August 29, and the CSDA conference in Monterey starting on Monday, August 30 through Thursday, September 2.

Report from the Ad Hoc Committee Meetings for Groundbreaking/Open House on Aug. 6, 2021

Director T. Diep reported that he and Director C. Nguyen selected a food vendor for the Sunday, August 29 event at the meeting.

Report from the Franchise Committee Meeting on August 10, 2021

Director C. Nguyen reported that he and Director S. Contreras had a productive meeting and that Gregory Karapoulios was to provide a report about what has been done to correct the problem since the first complaint was received. He stated that the Board of Directors are to come up with a schedule for outreach for the community to address the situation and SB 1383.

Report from Funeral Service for Director Margie Rice on Aug. 13, 2021

All of the Directors attended the service for Director Margie Rice and said that it was touching, was what she would have wanted and they all enjoyed the stories and memories of her.

Report from CR&R (Quarterly Operations & Tonnage Report)

Gregory Karapoulios reported that residential tonnage for the District was 55.71%, multi-family was at 69.35% and commercial was 46%, for an overall tonnage of 55%. With regard to the letter he provided to the Board he stated that the MRF is completely up and running again, they have hired new drivers with one specifically added to the Westminster route. He stated that the mailer CR&R sent out is working because he has been getting calls and emails regarding service, and are being addressed and that another mailer would be going out in September. CR&R also sent out a mailer regarding SB1383, explaining what it is and what to do to be compliant and they have been getting calls and emails regarding that as well.

Director S. Contreras stated that the Franchise Committee had requested that CR&R provide a timeline of outreach in writing for the Board.

Director C. Nguyen stated that he expected more from CR&R as far as what they are doing for the District and that he is still getting service complaint calls, and he requested that Staff add an item for discussion to the next agenda for Staff to meet with CR&R to create a plan to remedy the situation.

CONSENT CALENDAR

- A. Approve and File the Treasurer's Investment Report for July 2021
(Roll Call Vote)

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

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

OLD BUSINESS

- A. Consideration of Options for Filling Vacancy in Board of Directors
(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 T. Diep, seconded by President A. Nguyen, to declare a vacancy on the Board and to direct to Staff to post a Notice of Vacancy and an application for the position for 15 days, in order for them to be included in the agenda packet for the September 7, 2021 Board meeting and in order for the Board to make an appointment by the September 23, 2021 deadline. The motion was approved by the following 4-0 roll call vote:

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

NEW BUSINESS

- A. Consider Approval of DTN Tech to Design, Print and Mail the 2022 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 Director C. Nguyen, seconded by Director S. Contreras, to postpone this item until after the Calendar Committee meets and to bring other bids. The motion was approved by the following 4-0 roll call vote:

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

B. Review, Receive and File the CalPERS June 30, 2020 Annual Valuation Reports for the District's Pension Plans **(Roll Call Vote)**

Finance/HR Director R. Housley reviewed the reports and stated that the District's plans are over 96% funded. Due to a conversation that he had with the actuary who oversees the District as well as all of Orange County, he recommended that the District wait to pay the unfunded portion of the fund and see what the CalPERS Board does in November.

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to receive and file. The motion was approved by the following 4-0 roll call vote:

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

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

None

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that Staff would post the Notice of Vacancy starting on August 19 through September 2, 2021.

Finance/HR Director R. Housley stated that Director of Operations N. Castro is still interviewing for the driver/utility position. HB Staffing provided applicants for the receptionist position and one who is fluent in Vietnamese has been chosen and would start next week.

GENERAL COUNSEL CONCERNS/COMMENTS

None

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 A. Nguyen adjourned the meeting to Tuesday, September 7, 2021 at 5:30 P.M. at the District office at approximately 6:37 P.M.

Sergio Contreras
Sergio Contreras, Secretary