

**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**

April 5, 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, April 5, 2022 at 5:30 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep (arrived @ 5:48 via teleconference)
Sergio Contreras (via teleconference)
Chi Charlie Nguyen
Andrew Nguyen
Mark Nguyen

OTHERS AT MEETING:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Executive Board Secretary
Cynthia Oldster, MCSD Receptionist
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 MAR. 15, 2022

(Roll Call Vote)

A motion was made by Director M. Nguyen, seconded by President A. Nguyen, to approve the minutes of the regular meeting of March 15, 2022. The motion was approved by the following 4-0 roll call vote:

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

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MAR. 22, 2022
(Roll Call Vote)

A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to approve the minutes of the special meeting of March 22, 2022. The motion was approved by the following 4-0 roll call vote:

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

APPROVAL OF EXPENDITURES *(Roll Call Vote)*

A. Demands in the amount of \$ 485,306.80

#	CK #	Date	AMOUNT	VENDOR CHECKS:	MEMO:
1	13585	3/15	\$ 3,463.00	Dtntech	SB1383 Info mailer for commercial customers
2	13586	3/16	\$ 1,162.00	Chevron Texaco (Wex Bank)	Fuel for Mar-2022
3	13587	3/16	\$ 394.81	Cintas Corporation	Employee uniform & laundry services
4	13588	3/16	\$ 770.00	Cummins Pacific LLC	Renewal of reengine diagnostics tool for shop
5	13589	3/16	\$ 2,808.07	Daniels Tire Service	Tires for solid waste
6	13590	3/16	\$ 1,339.20	HB Staffing/Cathyjon Enterprises, Inc.	Temporary employee services
7	13591	3/16	\$ 254.48	Pitney Bowes Global Financial Services	Lease for Postage Machine
8	13592	3/16	\$ 4,149.64	SDRMA - Employee Benefits	Dental & Vision benefits Mar-2022
9	13593	3/16	\$ 290.01	SoCal Auto & Truck Parts, Inc.	Hydraulic hose for solid waste trucks
10	13594	3/16	\$ 838.98	Staples Business Credit	MCSD office supplies
11	13595	3/16	\$ 5,702.69	Woodruff, Spradlin & Smart	Legal Services Feb-2022
12	13596	3/16	\$ 15,702.44	US Bank Corporate Payment System	District credit cards
13	13597	3/16	\$ 1,349.00	Spectrum Enterprise (Time Warner Cable)	Internet service from
14	13598	3/22	\$ 397.98	AT&T (Brookhurst Lift Station)	Brookhurst Mar- 2022
15	13599	3/22	\$ 121.57	SoCalGas	District Offices Mar-2022
16	13600	3/22	\$ 1,879.56	Verizon Enterprise	SCADA Feb & Mar-2022
17	13601	3/23	\$ 179.00	Advanced Office	Copier repairs
18	13602	3/23	\$ 560.00	Ayala's Car Wash	Solid waste trucks fleet wash
19	13603	3/23	\$ 718.20	Betts Company	A/C repairs for solid waste trucks
20	13604	3/23	\$ 1,004.21	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
21	13605	3/23	\$ 331.36	Cintas Corporation	Employee uniform & laundry services
22	13606	3/23	\$ 84.94	City of Westminster Hydrant	Hydrant water service Mar-2022
23	13607	3/23	\$ -	Clean Energy	Voided Check - Disputed charges
24	13608	3/23	\$ 106.99	Fast Undercar	Front brakes pads for NGT-11
25	13609	3/23	\$ 2,992.28	HB Staffing/Cathyjon Enterprises, Inc.	Temporary employee services
26	13610	3/23	\$ 1,300.00	John Steven Woods	Heil rapid rail training for fleet maintenance
27	13611	3/23	\$ 735.00	Rutan & Tucker, LLP	Legal services Feb 2022
28	13612	3/23	\$ 1,000.00	SDRMA - Property/Liability	Deductible for 7/30/21 accident claim
29	13613	3/23	\$ 264.85	SoCal Auto & Truck Parts, Inc.	Hydraulic fittings for solid waste trucks
30	13614	3/23	\$ 330.51	SoCal First Aid & Safety	First aid kits
31	13615	3/23	\$ 441.00	WesPac Security Services, Inc.	Alarm services Jan - Mar 2022
32	13616	3/23	\$ 18,819.77	TEC Of California, Inc.	Parts for solid waste trucks
33	13617	3/29	\$ 181.60	Advanced Workplace Strategies, Inc.	DOT drug & alcohol testing
34	13618	3/29	\$ 2,447.75	Atlas Radiator, Inc.	Radiator repair for NG-4 for solid waste truck
35	13619	3/29	\$ 225.00	Ayala's Car Wash	Solid waste trucks fleet wash
36	13620	3/29	\$ 1,278.95	Bodyworks Equip. Inc.	Parts for solid waste trucks
37	13621	3/29	\$ 331.36	Cintas Corporation	Employee uniform services
38	13622	3/29	\$ 844.00	CRC Cloud	Maintenance & support Apr-2022
39	13623	3/29	\$ 2,020.72	Daniels Tire Service	Tires for solid waste trucks

40	13624	3/29	\$	1,170.13	Frontier Communications	District office phones & lift stations
41	13625	3/29	\$	33.90	LegalShield	Prepaid legal Mar-2022
42	13626	3/29	\$	6,411.13	NVB Equipment, Inc.	A/C repairs for solid waste truck
43	13627	3/29	\$	250.00	Pacific Lift & Equipment Co, Inc	Repairs to mobile lifts for Shop
44	13628	3/29	\$	99,990.54	Sierra Container Group, LLC	Restock (702) 95-gallon blue & (702) 95-gallon green containers
45	13629	3/29	\$	5,782.64	Southern California Edison	District Offices, CNG station & Lift stations
46	13630	3/29	\$	89.37	Spectrum Enterprise (Time Warner Cable)	Tv service
47	13631	3/29	\$	1,291.68	Standard Insurance Company Life	Life insurance & AD&D premium
48	13632	3/29	\$	1,032.24	TEC Of California, Inc.	Parts for solid waste trucks
49	13633	3/29	\$	-	Tesco Controls, Inc.	Voided Check - Disputed charges
50	13634	3/29	\$	205.00	Westminster Herald	Notice of public hearing for budget adoption
51	13635	3/29	\$	1,165.48	South Coast Air Quality Management Dist.	AQMD fee July 2021 through June 2022 for generators
52	13636	3/29	\$	124,960.00	Tesco Controls, Inc.	SCADA system upgrade & replace 8 breakers at lift stations
53			\$	319,203.03	CHECKS SUBTOTAL	
54						
55					PAYROLL:	MEMO
56	ACH	3/23	\$	6,163.11	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
57	ACH	3/23	\$	70,471.55	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
58	ACH	4/1	\$	6,705.36	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
59	ACH	4/1	\$	733.50	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
60			\$	84,073.52	ACH TRANSFERS SUBTOTAL	
61						
62					ACH PAYMENTS:	MEMO
63	ACH	3/21	\$	296.19	Paychex	Time & Attendance Mar-2022
64	ACH	3/23	\$	15,074.08	CalPERS	Retirement Contributions for 03/07-03/20/2022
65	ACH	4/1	\$	60,274.12	CalPERS	Active Employee & Retiree Health Ins Premiums Apr-2022
66	ACH	4/1	\$	6,385.14	CalPERS	Board of Directors Health Insurance Premiums for Apr-2022
67			\$	82,029.53	ACH TRANSFERS SUBTOTAL	
68						
69			\$	485,306.08	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
70						
71					BANK TRANSFERS:	
72	UB	3/15	\$	336,000.00	Transfer Funds from UB Money Market to UB Checking	
73	UB	3/29	\$	250,000.00	Transfer Funds from UB Money Market to UB Checking	
74			\$	586,000.00	BANK TRANSFERS	

A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to approve the expenditures in the amount of \$ 485,306.80. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that there were three bidders for the project, all within 1½%, or approximately \$67,000. Staff sent letters with questions regarding actions within the bids and is waiting for responses. He stated that he will bring back to the first meeting in May for Board approval and hopefully award. Technology proposals for the office technology upgrade are due this Friday,

April 8, 2022. Ten were sent out and 4 responded with replies saying they would not be sending proposals.

On Monday, April 4, 2022 the CNG station only half-filled the District's trucks because a pressure ring within a pump went off at the same time as the HDMI monitor that controls the system. Clean Energy came out and replaced both the pressure ring and the monitor that day.

GM K. Robbins reminded the Board of the taco truck luncheon at the District on Wednesday, April 13, 2022.

GM K. Robbins stated that he would be on vacation so would miss the next regular meeting on April 19, 2022.

Report from Orange County Sanitation District Meeting on Mar. 23, 2022

President A. Nguyen reported that they received an update on a temp staffing service for infrastructural improvement, they continue to have virtual meetings, and the sewer construction project in Westminster is picking up due to the drier weather.

Report from the Franchise Committee Meeting on Mar. 31, 2022

Director S. Contreras reported that the meeting with Director M. Nguyen, GM K. Robbins, Julie Barreda and Mike Carey from CR&R was productive. He stated that he felt like his issues were addressed and credits were being issued as well as a reimbursement to the mobile home park that was represented at the previous meeting. He stated that his concerns regarding service at Driftwood Mobile Home Park were also addressed. He was happy with their responsiveness and their willingness and interest to work with the District and the community.

Director M. Nguyen reported that it was a very productive meeting and he had a chance to meet the new representatives from CR&R. He stated that a refund was being issued to Americana and that CR&R was providing help for the mobile home parks, businesses and restaurants to sign up for the organics program by the end of summer.

Director C. Nguyen asked if there was discussion regarding the issues with 9391 Bolsa and a reimbursement.

GM K. Robbins stated that CR&R stated that it was on their list of properties to address and that he would ask CR&R about a reimbursement.

CONSENT CALENDAR

(Roll Call Vote)

- A. Approve the Transferring and Reallocating of Funds into the Midway City Sanitary District's Reserve and Investment Accounts

A motion was made by Director C. Nguyen, 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, A. Nguyen, C. Nguyen, M. Nguyen

NAYS:

ABSTAIN:

ABSENT: T. Diep

OLD BUSINESS

None

NEW BUSINESS

- A. Approve the Sewer and Solid Waste Rate Study Report and Proposition 218 Notice
(Roll Call Vote)

Finance/HR Director R. Housley stated that this was the final draft of the cost-of-service rate study for sewer and solid waste which was done by IB Consulting. The Board was provided with a new clean copy as well as a red-line version and a new 218 notice, which were provided by General Counsel. The hearing date is set for June 21, 2022, with the notice being mailed out within 45 days of the notice. There will be a Vietnamese version and a Spanish version as well as an English version posted on the District's website.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by President A. Nguyen, seconded by Director M. Nguyen, to approve the sewer and solid waste rate study report and Proposition 218 Notice. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

- B. PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 2022-09 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE SPECIAL DISTRICT GENERAL FUND BUDGET FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023
(Roll Call Vote)

Director T. Diep arrived at the meeting at 5:48 P.M. via teleconference.

President A. Nguyen read the title of the Resolution and opened the public hearing.

There were no public comments.

President A. Nguyen closed the public hearing.

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 President A. Nguyen, to approve and adopt Resolution No. 2022-09, adopting the special district general fund budget for the fiscal year July 1, 2022 through June 30, 2023. 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:

C. Discussion and Consideration of Midway City Sanitary District Outreach Policy
(Roll Call Vote)

A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to approve the Midway City Sanitary District Outreach Policy. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ASTAIN:

ABSENT:

D. Appointment of Midway City Sanitary District Outreach Committee and Alternate
(Roll Call Vote)

A motion was made by Director M. Nguyen, seconded by President A. Nguyen, to nominate Director C. Nguyen to the District's Outreach Committee. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ASTAIN:

ABSENT:

A motion was made by President A. Nguyen to nominate Director S. Contreras to the District's Outreach Committee. The motion died due to the lack of a second.

A substitute motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to nominate Director T. Diep to the District's Outreach Committee. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ASTAIN: S. Contreras

ABSENT:

A motion was made by President A. Nguyen, seconded by Director C. Nguyen, to nominate Director S. Contreras as Alternate to the District's Outreach Committee. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ASTAIN:

ABSENT:

E. Discussion and Consideration of Using Spectrum Media **(Roll Call Vote)**

GM K. Robbins stated that an ad using Spectrum Media would run for 30 seconds, for three (3) consecutive weeks, and at a cost of \$12,509.30.

Director S. Contreras stated he would like to try it for once or twice a year because it would reach a larger portion of the community.

Director M. Nguyen stated that he felt it was a large amount of money for outreach.

Director T. Diep stated he is of the mindset to support the other Directors especially if one wants to explore or try new things and wished to support Director S. Contreras if this was important to him, so he proposed that the District give it a try once and see what the return is.

Director C. Nguyen stated that he could see the benefit and would like to try it out once.

A motion was made by Director S. Contreras to move forward with the Spectrum proposal for this year and have the Outreach Committee review its effectiveness and then consider renewing for the following year.

Director C. Nguyen stated that if the message was only 30 seconds long it would need to be done carefully and clearly.

GM K. Robbins clarified that it would only run for three consecutive weeks.

Director C. Nguyen stated that he did not realize that it was only to run for only 3 consecutive weeks.

General Counsel J. Eggart stated that there were two different components for the Board to consider – whether they wanted to move forward with Spectrum and, assuming they did, the details of the content and the script, etc. and to provide direction to staff.

Director C. Nguyen stated again that he did not realize that it was only to run for 3 consecutive weeks and would like to table the matter.

There was discussion by the Board regarding whether it had to be three consecutive weeks or three weeks separated.

GM K. Robbins stated that he would look into whether the three weeks could be split up or not.

An amended motion was made by Director C. Nguyen, seconded by Director M. Nguyen to table this item to a meeting in June, or at an earlier meeting as determined by the General Manager, with the condition that the General Manager gather more information in the meantime. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ASTAIN:

ABSENT:

INFORMATIONAL ITEMS

- A. Independent Special Districts of Orange County (ISDOC) Quarterly Luncheon via Zoom on Thursday, April 28, 2022

Receive and file.

BOARD CONCERNS/COMMENTS

Director S. Contreras thanked staff for looking into Spectrum and for the dialogue.

Director M. Nguyen asked if staff was able to get a meeting with Andrew Do regarding the grant.

GM K. Robbins stated that he sent a letter but had not heard back yet but would follow up.

Director M. Nguyen stated that he should speak with Jack Ma.

Director C. Nguyen asked what the date of the public hearing was.

Staff responded the hearing would be on June 21, 2022 and the notice had to be sent out 45 days in advance.

GM/STAFF CONCERNS/COMMENT

Finance/HR Director R. Housley thanked the Board for passing the budget.

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, April 19, 2022 at 5:30 P.M. at the District office at approximately 6:29 P.M.

Sergio Gonzalez
Sergio Contreras, Secretary