

**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 HYBRID/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.**

May 18, 2021

CALL TO ORDER

President A. 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, May 18, 2021 at 5:02 P.M.

BOARD MEMBERS PRESENT:

Margie L. Rice (via teleconference)
Tyler Diep (5:10 PM via teleconference)
Sergio Contreras (via teleconference)
Chi Charlie Nguyen (via teleconference)
Andrew 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

Director C. Nguyen led the Pledge of Allegiance. Director M. Rice gave the Invocation.

Prior to the Public Comments section of the Agenda, General Counsel James Eggart advised the Board and the public that there would be no closed session because item 14A was unnecessary at this time and item 14B needed to be agendized for a regular meeting.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MAY 4, 2021 (Roll Call Vote)

A motion was made by Director M. Rice seconded by President A. Nguyen, to approve the minutes of the special meeting of May 4, 2021. 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: T. Diep

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$470,956.29

(Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	
1				CHECKS:	MEMO
2	12689	5/4	\$ 59.50	Advanced Workplace Strategies, Inc	DOT Random Drug Testing
3	12690	5/4	\$ 560.00	Ayala's Car Wash	Fleet vehicle wash 4/26
4	12691	5/4	\$ 457.51	Bodyworks Equipment, Inc	Replacement journal block for packer paddle NG-6
5	12692	5/4	\$ 15,598.65	CalPERS-Retirement	Retirement Contributions for 04/19/2021-05/02/2021
6	12693	5/4	\$ 254.50	Cintas	Employee uniform services for 4/29
7	12694	5/4	\$ 106,339.18	CR Transfer	Residential Waste & Organic Tonnage Fees 04/01/21-04/15/21
8	12695	5/4	\$ 881.00	CRC Cloud	Maintenance & Support May-2021
9	12696	5/4	\$ 4,053.30	Daniel's Tire Service	Restock and recap tires & valve caps for Solid Waste trucks
10	12697	5/4	\$ 300.00	Streamline	Website Monthly Member Fee
11	12698	5/4	\$ 149.76	Driveshaftpro	Replacement U-joint kit for NG-6
12	12699	5/4	\$ 150.00	Four Pals, Inc	Backflow Testing
13	12700	5/4	\$ 9.28	Hillco Fastener Warehouse Inc	Stock brass fittings for shop use
14	12701	5/4	\$ 39.68	Hose-Man Inc	Restock fittings for Solid Waste trucks
15	12702	5/4	\$ 7,145.32	Rengel + Company Architects, Inc	Architectural Services for Building Project + expenses
16	12703	5/4	\$ 80.02	SoCal Auto & Truck Parts, Inc	Motor oil for G-2, replacement parts for NG-6
17	12704	5/4	\$ 137.63	South Coast AQMD	AQMD Fee July 2020 through June 2021 (District Generator)
18	12705	5/4	\$ 3,586.57	TEC of California, Inc	Restock brake rotors for Solid Waste trucks
19	12706	5/4	\$ 61.55	TrucPar Company	Lubricant for CNG station
20	12707	5/4	\$ 26.50	Underground Service Alert/SC	(10) New Dig Alert tickets
21	12708	5/4	\$ 9,540.58	US Bank Corporate Payment Systems	District Credit Cards
22	12709	5/4	\$ 4,029.00	Sky Hoang	OCSD Fee & Permits refund for collection fees Permit #6756
23	12710	5/4	\$ 4,029.00	Thai Nguyen	OCSD Fee & Permits refund for collection fees Permit #6730
24	12711	5/4	\$ 4,029.00	Thinh Nguyen	OCSD Fee & Permits refund for collection fees Permit #6758
25	12712	5/4	\$ 4,029.00	Vui Tran	OCSD Fee & Permits refund for collection fees Permit #6754
26	12713	5/5	\$ 375.00	Alejandra Cruz	Taco luncheon for Cinco De Mayo
27	12714	5/10	\$ 225.00	Ayala's Car Wash	Fleet vehicle wash 5/4
28	12715	5/10	\$ 95.70	Cameron Welding Supplies	Materials for cutting torch and welding
29	12716	5/10	\$ 1,120.14	Wex Bank (Chevron)	Fuel Credit Card for April 2021

30	12717	5/10	\$ 254.40	Cintas	Employee uniform services for 5/6
31	12718	5/10	\$ 155.19	City of Westminster	District Offices & wash Rack 03/10/21-05/04/21
32	12719	5/10	\$ 2,014.74	Daniel's Tire Service	(9) Restock tires for Solid Waste
33	12720	5/10	\$ 10.32	Hillco Fastener Warehouse Inc	Replacement studs for NG-6
34	12721	5/10	\$ 4,680.00	IB Consulting, LLC	Financial plan and rate model updated and finalized
35	12722	5/10	\$ 4,743.68	NVB Equipment, Inc	Replacement for A/C unit and bracket for NG-2
36	12723	5/10	\$ 1,225.00	Odyssey Power Corporation	Generator Preventative Maintenance
37	12724	5/10	\$ 8,125.35	Orange County Sanitation District	Permit Fees April-2021
38	12725	5/10	\$ 1,098.71	Orange County Sanitation District	OCHCA FOG/BMP Inspections Q3 2019-20
39	12726	5/10	\$ 119.00	Remington Pure	Water Filtration Service
40	12727	5/10	\$ 500.00	SDRMA	Incident claim deductible 12/28/20
41	12728	5/10	\$ 94.72	SoCal Auto & Truck Parts, Inc	Replacement tools and parts for portable steamer
42	12729	5/10	\$ 2,878.38	TEC of California, Inc	Restock brake/replacement clamps & turn signal for NG-15
43	12730	5/10	\$ 625.53	TrucPar Company	Stock lube, fittings and brake cleaner for trucks
44	12731	5/10	\$ 1,048.40	Verizon	Internet Connection May-2021 (SCADA)
45	12732	5/10	\$ 4,029.00	Hoang Bui	OCSD Fee & Permits refund for collection fees Permit #6741
46	12733	5/10	\$ 1,939.00	Kim Loan Thi Bui	OCSD Fee & Permits refund for collection fees Permit #6745
47	12734	5/10	\$ 4,029.00	Thanh Dang	OCSD Fee & Permits refund for collection fees Permit #6744
48	12735	5/10	\$ 2,935.00	Tu Dinh	OCSD Fee & Permits refund for collection fees Permit #6743
49	12736	5/10	\$ 4,029.00	Thanh C Duongtran	OCSD Fee & Permits refund for collection fees Permit #6792
50	12737	5/10	\$ 4,029.00	Peter Ho	OCSD Fee & Permits refund for collection fees Permit #6785
51	12738	5/10	\$ 8,058.00	Cu Hoang	OCSD Fee & Permits refund for collection fees Permit #6761
52	12739	5/10	\$ 4,029.00	Darlen Hogue	OCSD Fee & Permits refund for collection fees Permit #6740
53	12740	5/10	\$ 3,482.00	Long Lai	OCSD Fee & Permits refund for collection fees Permit #6770
54	12741	5/10	\$ 1,939.00	Kate Le	OCSD Fee & Permits refund for collection fees Permit #6771
55	12742	5/10	\$ 3,083.00	Minh Lee	OCSD Fee & Permits refund for collection fees Permit #6760
56	12743	5/10	\$ 1,990.00	Quynh Lu	OCSD Fee & Permits refund for collection fees Permit #6736
57	12744	5/10	\$ 4,029.00	Tommy Mai	OCSD Fee & Permits refund for collection fees Permit #6748
58	12745	5/10	\$ 4,029.00	Hong Kim Nguyen	OCSD Fee & Permits refund for collection fees Permit #6765
59	12746	5/10	\$ 4,029.00	Khanh Nguyen	OCSD Fee & Permits refund for collection fees Permit #6782
60	12747	5/10	\$ 4,029.00	Long Nguyen	OCSD Fee & Permits refund for collection fees Permit #6789
61	12748	5/10	\$ 4,029.00	Nhien Nguyen	OCSD Fee & Permits refund for collection fees Permit #6787
62	12749	5/10	\$ 4,029.00	Tu Pham	OCSD Fee & Permits refund for collection fees Permit #6742
63	12750	5/10	\$ 4,029.00	Khiem Phan	OCSD Fee & Permits refund for collection fees Permit #6788
64	12751	5/10	\$ 4,029.00	Johnny Tran	OCSD Fee & Permits refund for collection fees Permit #6739
65	12752	5/10	\$ 4,029.00	Sinh Quoc Truong	OCSD Fee & Permits refund for collection fees Permit #6747
66	12753	5/10	\$ 760.66	Advanced Office	Restock Ricoh MPC3503 Toner-Yellow, Cyan, Black
67	12754	5/10	\$ 103,005.59	CR Transfer Incorporated	Residential Waste & Organic Tonnage Fees 04/16/21-04/30/21
68	12755	5/10	\$ 804.23	Merchants Building Maintenance, LLC	Monthly Janitorial Service
69	12756	5/10	\$ 614.31	Safety-Kleen Systems, Inc	Restock anti-freeze for Solid Waste trucks
70	12757	5/10	\$ 4,122.98	SDRMA	Dental & Vision Insurance Premiums for June 2021
71	12758	5/10	\$ 5,451.42	Woodruff, Spradlin & Smart	General Counsel Legal Services for April 2021
72			\$ 389,526.98	CHECKS SUBTOTAL	
73					
74				PAYROLL	
75	ACH	5/4	\$ 56,988.92	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
76	ACH	5/5	\$ 4,856.83	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
77	ACH	5/5	\$ 835.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
78	ACH	5/4	\$ 10,338.73	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
79	ACH	5/7	\$ 7,375.71	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
80	ACH	5/7	\$ 760.52	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
81	ACH	5/7	\$ 253.37	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
82	ACH	5/11	\$ 20.23	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
83			\$ 81,429.31	ACH TRANSFERS SUBTOTAL	
84					
85			\$ 470,956.29	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
86					
87				BANK TRANSFERS	
88	UB	5/7	\$ 750,000.00	Transfer Funds from LAIF to UB Checking Account	

A motion was made by Director M. Rice, seconded by President A. Nguyen, to approve the expenditures in the amount of \$470,956.29. 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: T. Diep

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that regarding to Item 9D on the agenda, Staff would be recommending that the meeting on Tuesday, June 1, 2021 remain a regular meeting held at 5:30 P.M. per General Counsel Eggart's comments.

GM K. Robbins stated that there have been numerous complaints throughout the District about missed service from CR&R and that he asked them to be at the next meeting to address the issue.

Director T. Diep arrived at the meeting at 5:10 P.M.

Report from the Orange County Sanitation District Meeting on May 12, 2021

President A. Nguyen reported that the two items discussed were insurance renewal and OCSD's capital improvement budget which consists of 32 projects at a cost of \$484 million.

Report from the District Luncheon on May 5, 2021

Directors S. Contreras, t. Diep, C. Nguyen and President A. Nguyen all attended the luncheon and appreciated connecting with staff.

Report from Radio Outreach at Radio Bolsa on May 12, 2021

Directors C. Nguyen and M. Rice and GM K. Robbins all felt that it was a very effective meeting and were pleased with the recording.

Report from Radio Outreach at VNCR on May 13, 2021

Directors S. Contreras and C. Nguyen attended a radio recording session at VNCR to discuss recycling and the services offered by the District.

Report from the Outreach Committee Meeting on May 14. 2021

Directors T. Diep and S. Contreras met with GM K. Robbins to discuss the scheduled video recording that would be done next week in Vietnamese and Spanish.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

A. A RESOLUTION NO. 2021-04 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2021-2022 FOR THE DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

(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 Director C. Nguyen, to approve adoption of Resolution No 2021-04, establishing the appropriations limit for the fiscal year 2021-2022 for the District in accordance with the provisions of Division 9 of Title 1 of the California Government Code. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Approve the Engagement Letter between Midway City Sanitary District and CliftonLarsonAllen LLP to Perform Independent Audit Services for Fiscal Year 2020-2021

(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 A. Nguyen, seconded by Director T. Diep, to approve the engagement letter between the District and CliftonLarsonAllen LLP to perform the independent audit services for fiscal year 2020-2021. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

C. Discussion and Approval to Outsource the Monthly CNG Station Maintenance
(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 Director M. Rice to authorize the General Manager to contract with Clean Energy to perform the monthly maintenance for the District's CNG station per its proposal. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

D. Discuss and Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meeting on Tuesday, June 1, 2021 at 5:30 P.M. to a Special Teleconference Meeting at 5 P.M. due to the COVID-19 Pandemic

(Roll Call Vote)

GM K. Robbins stated that the meeting on June 1, 2021 would need to be left as a regular meeting at 5:30 P.M. in order to discuss his employment agreement during closed session.

The Board discussed the time of the Board meetings and the consensus was to go back to teleconference meetings at the regular time of 5:30 P.M.

No action taken on this item.

INFORMATIONAL ITEMS

A. ISDOC Correspondence Regarding Surfside-Sunset Beach Sand Replenishment Project

Receive and file.

BOARD CONCERNS/COMMENTS

President A. Nguyen thanked GM K. Robbins for organizing the May 5th luncheon.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that he would be out of town on Thursday and Friday and that the District would have one last luncheon on June 16 prior to construction.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel, J. Eggart asked for clarification regarding Item 9D and the time of the Board meetings.

Board consensus was to have a regular meeting at 5:30 P.M. on June 1, 2021 in order to have the closed session.

General Counsel J. Eggart repeated that in order to discuss compensation or benefits of the General Manager, the Brown Act requires that it be done at a regular meeting, including closed session. Since this meeting was agendized as a special meeting, it could not be discussed, and would be discussed at the next regular meeting.

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, June 1, 2021 at 5:30 P.M. at the District office at approximately 5:38 P.M.

Sergio Contreras
Sergio Contreras, Secretary