

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE MIDWAY CITY
SANITARY DISTRICT OF ORANGE COUNTY
14451 CEDARWOOD STREET
WESTMINSTER, CA 92683**

November 7, 2023

CALL TO ORDER

President T. Diep called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Street, Westminster, California on Tuesday, November 7, 2023 at 5:30 PM.

BOARD MEMBERS PRESENT:

Tyler Diep
Mark Nguyen
Andrew Nguyen
Sergio Contreras

STAFF MEMBERS PRESENT:

Robert Housley, General Manager
Milo Ebrahimi, District Engineer, P.E
Ashley Davies, Director of Servs. & Program Development
Siamlu Cox, Director of Finance & Human Resources

BOARD MEMBER ABSENT:

Chi Charlie Nguyen

OTHER MEMBERS PRESENT:

James H. Eggart, General Counsel, Woodruff & Smart

PLEDGE AND INVOCATION

GM R. Housley led the Pledge of Allegiance. Director S. Contreras gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON OCTOBER 17, 2023

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to approve the minutes of the Regular Meeting on October 17, 2023. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$980,978.34.

	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	15043	10/13	135.00	Akeso Occupational Health	Pre-employment medical & drug screening - A.Davies
2	15044	10/13	690.00	Ayala's Car Wash	Fleet Wash
3	15045	10/13	47,291.50	Cascade Engineering, Inc.	Black Carts (840)
4	15046	10/13	2,121.69	Costa Mesa Sanitary District	Educational Mgmt Training 09/26/23
5	15047	10/13	845.50	CR&R Incorporated	Clean-Up Event Goldenwest Park 8/26/23
6	15048	10/13	2,608.60	Daniels Tire Service	Front and Recap Tires
7	15049	10/13	254.48	Pitney Bowes Global Financial Service	Postage Machine 10/10/23 - 01/03/24
8	15050	10/13	301.50	Pitney Bowes/Purchase Power	Postage September-2023
9	15051	10/13	2,175.00	Safety Research Consultants, Inc.	Driver's Safety Training on 10/07/2023
10	15052	10/13	4,361.63	SDRMA - Employee Benefits	Nov-2023 Dental and Vision
11	15053	10/13	1,300.00	Shuster Advisory Group, LLC	Q3 2023 Advisory Fee for 457(b) & OBRA Plans
12	15054	10/13	796.91	SoCal Auto & Truck Parts, Inc.	Restock parts and replacement parts for S-2
13	15055	10/13	44.13	SoCalGas	Maint. Shop & Wash Rack - Oct 2023
14	15056	10/13	26.01	Staples Business Credit	Office Supplies Sept-2023
15	15057	10/13	6,695.79	TEC Of California, Inc.	Restock brake drums and brake shoes anti-freeze & Fuel Filters & Lube for Trash Trucks
16	15058	10/13	333.33	UniFirst Corporation	October - 2023
17	15059	10/17	46,014.43	System Source, Inc	MCSO BID 50% Deposit (406562)
18	15060	10/17	11,723.88	System Source, Inc	MCSO Seating 50% Deposit (407767)
19	15061	10/20	300.00	Akeso Occupational Health	Physical - DOT Castro,N., Contreras, J., Steele, E.
20	15062	10/20	15,983.00	AKM Consulting Engineers, Inc.	Sewer System Master Plan 09/5/23 - 9/29/23
21	15063	10/20	532.62	AT&T (Brookhurst Lift Station)	Brookhurst Oct-2023
22	15064	10/20	1,213.25	AT&T Mobility (First Net)	September 2023
23	15065	10/20	320.00	Ayala's Car Wash	Fleet wash 10/17/2023
24	15066	10/20	3,059.19	Bodyworks Equip. Inc.	Wire harness (2) 30 MM Sourcing Switch (5) Tub - 1.2:" grip (2) Wire harness - valve end (1) Journal Blocks
25	15067	10/20	2,262.64	Chevron Texaco (Wex Bank)	Sept-2023
26	15068	10/20	84.94	City of Westminster Hydrant	Hydrant Water Service Oct-2023
27	15069	10/20	800.00	Commerford Inspection, Inc.	Pavement Inspection 10/2/2023
28	15070	10/20	121.62	Cynthia Loan Olsder	Reimbursement for ruptured tire
29	15071	10/20	1,548.46	Daniels Tire Service	Recap Tires (6)
30	15072	10/20	1,607.02	Dartco Transmission Sales & Svcs.	Transmission repairs - NG3
31	15073	10/20	8,525.00	ECIS	FOG Inspections Sep-2023 (341)
32	15074	10/20	2,960.65	Haaker Equipment Co.	Cleaning nozzles for vactor trucks
33	15075	10/20	441.16	Motion and Flow Control Products, Inc	Extra long straight thread elbow (5) Parker 37 Deg X SAE (2)
34	15076	10/20	1,982.64	NVB Equipment, Inc.	A/C Repair NG-6
35	15077	10/20	436.90	Rutan & Tucker, LLP	Legal Services Sep-2023
36	15078	10/20	980.00	Stater Bros Market #27	Employee Recognition Gift Cards
37	15079	10/20	46.25	Underground Service Alert	Underground Dig Alerts Jul-2023 (7) Aug-2023 (8)
38	15080	10/20	325.83	UniFirst Corporation	October - 2023
39	15081	10/20	499,063.26	Woodcliff Corporation - Contractor	Building Project Pay App #12 Sept 2023
40	15082	10/20	26,266.49	Woodcliff Corporation - Escrow Acct	Building Project #12 Sept 2023 - Retention Payment
41	15083	10/20	6,495.40	Woodruff & Smart	Legal Services Sep-2023
42	15084	10/20	26,714.40	AKM Consulting Engineers, Inc.	Sewer System Master Plan 05/29/23 - 06/30/23
43			\$ 729,790.10	CHECKS SUBTOTAL	
44					
45				PAYROLL:	MEMO
46		10/18	\$ 95,410.45	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
47		10/19	\$ 5,692.53	Nationwide	457 Deferred Compensation (Employees)
48			\$ 101,102.98	ACH TRANSFERS SUBTOTAL	

49					
50				ACH PAYMENTS:	MEMO
51	10/11	\$ 69,635.12	CalPERS-Health		October 2023 Health (Employees)
52	10/11	\$ 19,627.13	CalPERS-Retirement		Employer Contribution 9/18/2023-10/01/2023
53	10/11	\$ 6,874.06	CalPERS-Health		October 2023 Health (Board)
54	10/11	\$ 19,634.23	CalPERS-Retirement		Employer Contribution 9/04/2023-9/17/2023
55	10/11	\$ 13,719.92	US Bank Corporate Payment System		CAL-Card Purchases Statement
56	10/16	\$ 442.29	US Bank Fee		Analysis Service Charge
56	10/19	\$ 19,763.28	CalPERS-Retirement		Employer Contribution 10/02/2023-10/15/2023
57	10/20	\$ 389.23	Paychex		Time & Attendance October 2023
59		\$ 150,085.26	ACH TRANSFERS SUBTOTAL		
60					
61		\$ 980,978.34	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)		
62					
63			BANK TRANSFERS:		
64	10/11	\$ 200,000.00	From Money Market to Checking		
65	10/20	\$ 600,000.00	From LAIF to Checking		
66		\$ 800,000.00	BANK TRANSFERS		

A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve the expenditures in the amount of \$980,978.34. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

REPORTS

Report of President:

None

Report of General Manager

GM R. Housley reported that the District had all of its employees complete the harassment training last week. He provided an update on the accounting position, noting that interviews with the chosen candidate have been conducted and that decisions would be made only after thorough deliberation. He also mentioned that he attended the Eco Expo organized by Costa Mesa Sanitary District to gather inspiration for outreach. Additionally, he reported that N. Castro, Director of Operation & Safety, is testing out a routing software that could be helpful for tracking our trucks and optimizing route design.

GM R. Housley showed the compost event video and President Diep suggested staff post it on Facebook.

Report of Director of Services & Program Development

Director of Services & Program Development A. Davies reported there was a good turnout for Sequoia Elementary's trunk or treat event. As the holidays approach, she added that she will raise more awareness of the Fat, Oil, and Grease program. Additionally, she is now working on a survey of the community, distributing information to the residents about the manhole

spraying, collaborating with legal counsel on a sponsorship policy for the District, and getting ready for the Open House.

Report of Clean-up Event at Elden Gillespie Park on October 21, 2023

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

Report of Employee District Luncheon on October 25, 2023

President T. Diep, Director A. Nguyen, Director C. Nguyen and Director M. Nguyen all attended the event and reported that it was an excellent opportunity to catch up with employees and recognize some of them for providing exceptional customer service.

Report of OC San Luncheon/Special Board of Directors Meeting on October 27, 2023

Director A. Nguyen, Director of Services & Program Development A. Davies, and Director of Finance & Human Resources Siamlu Cox attended the event and said it was educational.

Report of Outreach Radio Bolsa on November 2, 2023

Director S. Contreras and Director A. Nguyen attended the radio recording to talk about the District's services and upcoming events.

Report of Building Project Ad Hoc Committee Meeting on October 24 & November 7, 2023

Director M. Nguyen reported that everything is proceeding as planned and within budget.

Franchise Committee Meeting on November 3, 2023

Director S. Contreras reminded the Board that the meeting is now held quarterly. Furthermore, the committee is considering hiring a third party through the City of Westminster Code Enforcement department regarding citations for improperly sorted containers.

CONSENT CALENDAR

- A. Receive and File the California Employers' Retiree Benefit Trust (CERBT) Program Financial Statement for the 1st Quarter Ended September 30, 2023
- B. Receive and File the California Employers' Pension Prefunding Trust (CEPPT) Program Financial Statement for the 1st Quarter Ended September 30, 2023

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 vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

OLD BUSINESS

None

CLOSED SESSION

President T. Diep requested to move the matter before new business.

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to move the matter before new business. The motion was approved by the following 4-0 vote.

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

At President Diep's direction, General Counsel, J. Eggart convened the meeting to closed session at 6:00 P.M. pursuant to Government Code Section 54957.6, as identified on the agenda as item 14A, in order for the Board to confer with its designated Labor Negotiator representatives. General Counsel J. Eggart noted that the District's designated representatives were listed on the Agenda.

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. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
Agency Designated Representative: General Manager Robert Housley, Director of Finance & Human Resources Siamlu Cox, and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

President T. Diep reconvened the open session portion of the meeting at 6:15 PM.

General Counsel J. Eggart reported that the Board had met in closed session as identified on Agenda Item 14A, and that no reportable action had been taken.

NEW BUSINESS

- A. Consider Amendment to Legal Agreement with Rutan & Tucker, LLP Providing for Increased Hourly Billing Rates for Legal Counsel Services Commencing on January 1, 2024

A staff report and recommendations were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the proposed amendment to the legal agreement with Rutan & Tucker, LLP providing for

increased hourly billing rates for legal counsel services commencing on January 1, 2024 and to authorize the General Manager to execute the Amendment on behalf of the District. The motion was approved by the following 4-0 vote:

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

- B. Consideration of Participation and Sponsorship of the 2024 Tet Parade Scheduled for Saturday, February 10, 2024, and Appoint a Liaison and Alternate to Represent the District's Interest.

A staff report and recommendations were provided and considered by the Board. A motion was made by Director M. Nguyen, seconded by Director A. Nguyen, to approve the District's participation, the provision of in-kind services, and a sponsorship at the \$5,000 level, and to designate Director A. Nguyen as the District's liaison to meet with the parade organizers, along with GM R. Housley, and to appoint Director S. Contreras as an alternate. The motion was approved by the following 4-0 vote:

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

- C. Consider Approval of Request for Proposals (RFP) for 2024 MCSD Sewer System CCTV Video Inspection and Cleaning Project.

A staff report and recommendations were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the request for proposals (RFP) for 2024 MCSD sewer system CCTV video inspection and cleaning Project. The motion was approved by the following 4-0 vote:

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

- D. Consider Authorizing a 2024 Customer Survey and Budget of \$45,000

A staff report and recommendations were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to authorize a 2024 customer survey and budget of \$45,000. The motion was approved by the following 4-0 vote:

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

INFORMATIONAL ITEMS

- A. California Reinstates ADU Sales Separate from Primary Home
- B. Assemblyman Tri Ta Christmas Open House Invitation
- C. First Time Homebuyer Workshop November 14, 2023

Received and File

BOARD CONCERNS/COMMENTS

Director S. Contreras voiced outreach concerns for non-Vietnamese customers.

Director M. Nguyen suggested looking into different marketing approaches to reach listeners who do not speak Vietnamese.

GM/STAFF CONCERNS/COMMENT

GM R. Housley reminded the Board of upcoming meetings of the Calendar Committee on Thursday, November 9, 2023, the Westminster Chamber of Commerce Lunch on Monday, November 14, 2023, and the Outreach Committee meeting on Wednesday, November 15, 2023.

LEGAL COUNSEL CONCERNS/COMMENTS

General Counsel J. Eggart briefly updated the Board on legal developments pertaining to the Levine Act amendments, pointing out new guidance prepared by the Fair Political Practices Commission and a recent Attorney General opinion confirming that the amendments do not apply retroactively to campaign contributions made before January 1, 2023.

ADJOURNMENT

President T. Diep adjourned the meeting at 6:45 PM to the next Board Meeting to be held at the District on Tuesday, November 21, 2023, at 5:30 PM.

Andrew Nguyen, Secretary