

**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**

TELECONFERENCE MEETING LOCATION:

**DIRECTOR ALLAN KRIPPNER ATTENDED THIS REGULAR MEETING OF THE
BOARD OF DIRECTORS VIA TELECONFERENCE FROM THE FOLLOWING
LOCATION:**

15872 PLUMWOOD STREET, WESTMINSTER, CA 92683

December 17, 2019

CALL TO ORDER

President C. 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, December 17, 2019 at 5:00 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner (attending via teleconference)
Margie L. Rice
Andrew Nguyen
Sergio Contreras (arrived at 5:28 P.M.)
Chi Charlie Nguyen

OTHERS AT MEETING:

Kenneth Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Board Secretary
Kristy Morehead, CR&R
Gregory Karapoulios, CR&R

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

General Counsel James Eggart stated, for the record, that he had confirmed with Director A. Krippner, that the agenda was posted at his teleconference location 72 hours in advance, and that there were no members of the public present at the meeting from his location.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF DECEMBER 3, 2019

A motion was made by Director A. Nguyen, seconded by Director M. Rice, to approve the minutes of the regular meeting of December 3, 2019. The motion was approved by the following 4-0 roll call vote:

AYES: A. Krippner, A. Nguyen, M. Rice and C. Nguyen
 NAYS:
 ABSTAIN:
 ABSENT: S. Contreras

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF DECEMBER 10, 2019

A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve the minutes of the special meeting of December 10, 2019. The motion was approved by the following 4-0 roll call vote:

AYES: A. Krippner, A. Nguyen, M. Rice and C. Nguyen
 NAYS:
 ABSTAIN:
 ABSENT: S. Contreras

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 287,837.05

#	CK #	Date	AMOUNT	VENDOR
1				HANDCUT CHECKS:
2	11029	12/5	\$ 750.00	The Chris Anderson Group - Live music for the District Christmas party
3	11030	12/5	\$ 3,304.68	The SmoKING Ribs - Food for the District Christmas party
4	11031	12/5	\$ 690.00	Ayala's Car Wash - Fleet Truck Washes on 12/2/19
5	11032	12/5	\$ 262.63	Cintas - Uniform Services for 11/29/19
6	11033	12/5	\$ 1,157.20	Frontier Communications - District Office Phones & Lift Stations for November 2019
7	11034	12/5	\$ 760.00	Pro-Vision - Install Cameras Front Mounted (Hose Reel) on Both Sewer Vactor Trucks
8	11035	12/5	\$ 4,128.84	Southern California Edison - District Offices, CNG facilities and Four Sewer Lift Stations
9	11036	12/5	\$ 1,187.20	The Standard Life Insurance - Life Insurance & AD&D Premium Coverage for December 2019
10	11037	12/5	\$ 205.81	Staples Business Credit - Office and Printer Supplies
11	11038	12/5	\$ 467.08	Vision Service Plan - Monthly Premium for December 2019

12	11039	12/5	\$ 130.60	County of Orange Treasurer-Tax Collector - Corrections to 2019-2020 Fees on Secured Property Tax Roll
13	11040	12/11	\$ 262.63	Cintas - Uniform Services for 12/5/19
14	11041	12/11	\$ 180.00	Costco Wholesale - 2020 Annual Membership Renewal
15	11042	12/11	\$ 138.98	DirecTV - Service for December 2019
16	11043	12/11	\$ 6,037.75	Dntech - New Display Signage for Mounting on the Side of the Refuse Trucks "Fill The Blue!"
17	11044	12/11	\$ 1,000.00	Little Saigon - Westminster Tet Parade - Sponsorship to the 2020 Tet Parade
18	11045	12/11	\$ 635.00	Memorial Care Medical Foundation - DMV Medical and Pre-Employment Physicals and Testing
19	11046	12/11	\$ 1,842.29	Verizon Business - Internet Connection for December 2019
20	11063	12/11	\$ 816.00	CRC Cloud - IT Maintenance & Computer Support for December 2019
21	11064	12/11	\$ 689.51	Merchants Building Maintenance - Janitorial Services for December 2019
22			\$ 24,646.20	HANDCUT CHECKS SUBTOTAL
23				
24				REGULAR CHECKS:
25	11047	12/11	\$ 2,788.46	Bodyworks Equipment - Restock (2) Cylinders, (15) O-Rings, (1) Tube
26	11048	12/11	\$ 78,073.97	CR Transfer - Tonnage from 11/15/2019 through 11/30/2019
27	11049	12/11	\$ 2,022.03	Cummins Sales and Service - Restock (30) Kit, Spark Plug & (7) Extension, Ignition Coil
28	11050	12/11	\$ 1,340.18	Daniels Tire Service - Restock (6) New Tires & (3) Recaps and Repairs
29	11051	12/11	\$ 525.00	Frog Environmental - Storm Water Run-Off Sample Testing for 10-20-19
30	11052	12/11	\$ 1,684.18	Haaker Equipment Company - Repairs to Vactor System (front reel) NG12
31	11053	12/11	\$ 1,073.72	Los Alamitos Napa Auto Parts - Filters & Oil for Fleet Service Truck and Repairs to Shop Air Jack
32	11054	12/11	\$ 25,414.76	Orange County Sanitation District - Permit Fees for November 2019 (MCSD 5% = \$1,337.62)
33	11055	12/11	\$ 40.67	Orange County Sanitation District - 1st Quarter 2019-20 FOG/BMP Inspections
34	11056	12/11	\$ 2,000.00	Pumpman LLC - Tear Down and Inspect Westminster & Willow Lift Station Pumps
35	11057	12/11	\$ 922.69	Mobile Relay Associates - New Radio System for New Solid Waste Truck NG15
36	11058	12/11	\$ 1,340.26	TECH of California - Restock Oil Filters, Fuel Filters, Brake Pads, Filter Elements
37	11059	12/11	\$ 1,937.50	Trendzitions - Consultant Services for Archetect Rendering for Building Remodel and Expansion
38	11060	12/11	\$ 916.76	TSP Printing - Restock Driver Vehicle Inspection Reports
39	11061	12/11	\$ 441.00	Wespac Security Services - Montoring Services October through December 2019
40	11062	12/11	\$ 6,052.50	Woodruff, Spradlin & Smart - Legal Services for November 2019
41			\$ 126,573.68	REGULAR CHECKS SUBTOTAL
42				
43				PAYROLL
44		12/3	\$ 115,982.36	Payroll - Staff Checks Taxes & Direct Deposits
45		12/2	\$ 2,374.76	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
46		12/2	\$ 660.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
47		12/6	\$ 2,776.51	Board of Director's Payroll for the Month of November 2019
48		12/6	\$ 210.54	Board of Director's Nationwide Deferred Compensation for November 2019 (100% Paid By Directors)
49			\$ 122,004.17	PAYROLL SUBTOTAL
50				
39				ACH TRANSFERS/PAYMENTS
40		12/11	\$ 14,613.00	Retirement Contributions to CalPERS for 11/18/2019-12/01/2019
41			\$ 14,613.00	ACH TRANSFERS SUBTOTAL
42				
43			\$ 287,837.05	TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL, ACH TRANSFERS)
44				
45				BANK TRANSFERS
46		11/26	\$ 50,000.00	Transfer Funds from Money Market to Checking Account
47		12/2	\$ 900,000.00	Transfer Funds from Money Market to Checking Account
48		12/3	\$ 500,000.00	Transfer Funds from Union Bank Checking Account LAIF

A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$ 287,837.05. The motion was approved by the following 4-0 roll call vote:

AYES: A. Krippner, A. Nguyen, M. Rice, and C. Nguyen

NAYS:

ABSTAIN:

ABSENT: S. Contreras

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins stated that the District is looking into having an audit done of the parcel program billables that go into the County to place on the tax rolls. Staff contacted SCI Consultant Group who does work for Vector Control and several Los Angeles County agencies. Staff is waiting for the cost proposal for a review to make sure everything is being captured and no mistakes made. Depending on the cost proposal, the District may use them annually in order to have it done properly and submitted in a timely manner. GM K. Robbins stated that to his knowledge, an audit has never been done.

GM K. Robbins reported that he is expecting the City of Westminster to send the District a bill for raising manholes throughout the District during their street projects. The work will need to be verified, and will cost the District approximately \$48,000.

GM K. Robbins reminded the Board that he would be starting his vacation on Thursday, December 19, 2019 and will return on Monday, January 6, 2020.

Report from the Orange County Sanitation District (OCSD) Meeting on December 11, 2019

Director A. Nguyen reported that there was discussion regarding investing and reinvesting funds, adoption of an investment policy and the procurement process, and environmental services.

There was discussion regarding Director Margie Rice being sent copies of the OCSD agendas as the District's alternate designated appointee to the OCSD Board of Directors.

Report from the City of Westminster Tree Lighting Ceremony on December 2, 2019

Director A. Nguyen reported that there was a good turnout but he would like to see more people invited. He suggested that the schools and school districts be made aware of the event.

Director M. Rice stated that she did not attend but that it should be advertised on Channel 3.

President C. Nguyen stated that he attended and also noticed that there were more people this year than last year, probably due to better weather.

Report from the MCSD Christmas Luncheon on December 7, 2019

Director M. Rice stated that it was wonderful and she is always pleased to do things for the District's staff. She stated that she felt that the event went beautifully and that the food was great.

Director A. Nguyen stated that it was good that it didn't rain like it was supposed to and he thanked staff.

President C. Nguyen stated that it was a beautiful time spent with MCSD employees and families and that it is one of his favorite events.

Report from CR&R – 3rd Quarter Report

Gregory Karapoulios, stated that he was representing CR&R with his supervisor Kristy Morehead. He stated that he would give a summary of the work done over the past few months and provide an update on the District's current diversion and that he has taken over the reporting for the District since Thanh Tran's departure in September. He stated that CR&R sent follow up letters in November to commercial and multi-family properties that did not respond to the first compliance letter sent out in May. The letter was focused on compliance with AB1826 and responding with self reporting as well as any applicable exemption forms. He stated that they have received approximately 60 written responses from the letters and have set up five accounts with organics programs. Of the remaining responses, they have been conducting site visits and reviewing the applications for exemptions. In regard to the solid waste and recycling report, he stated that tonnage was at 52% at the end of the second quarter and has gone up to 55% for the third quarter.

Director A. Nguyen suggested that he work with GM K. Robbins if he needs any assistance regarding the District.

There was discussion regarding having CR&R at some events for outreach to the public.

CONSENT CALENDAR

- A. Approve and file the Treasurer's Investment Report for November 2019
- B. Approve Annual Vacation Pay in Lieu of Time off Requests for Represented Employees
- C. Approve Annual Vacation Pay in Lieu of Time off Requests for Management, Salaried and Unrepresented Employees
- D. Approve Request of Solid Waste Driver Robert Mayfield to Receive 40 hours of Vacation Pay in Lieu of Time off Due to Financial Hardship

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

AYES: A. Krippner, A. Nguyen, M. Rice and C. Nguyen

NAYS:

ABSTAIN:

ABSENT: S. Contreras

OLD BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 2019-16

(Roll Call Vote)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT, OF ORANGE COUNTY, CALIFORNIA, APPROVING A CHANGE TO THE TIME OF THE DISTRICT'S REGULAR MEETING AND DIRECTING THAT THE POLICIES AND PROCEDURES OF THE BOARD OF DIRECTORS BE REVISED ACCORDINGLY

A motion was made by President C. Nguyen, seconded by Director M. Rice, to adopt Resolution No. 2019-16, approving a change to the time of the District's regular meeting and directing that the policies and procedures of the Board of Directors be revised accordingly. The motion was approved by the following 4-0 roll call vote:

AYES: A. Krippner, A. Nguyen, M. Rice and C. Nguyen

NAYS:

ABSTAIN:

ABSENT: S. Contreras

B. Consider Enrollment into the Special District Risk Management Authority (SDRMA) Vision Benefit Plan
(Roll Call Vote)

GM K. Robbins stated that the Board gave staff permission to speak with the union to meet and confer and in doing so, the union agreed that switching over would give MCSD employees a better vision benefit plan.

Finance/HR Director R. Housley stated that staff met with the represented employees, the new AFSCME union rep, Louis Schmitt, and Legal Counsel, Joseph Larson. During the process, they looked at the plans, including the current existing plan, and during that meet and confer process AFSCME agreed that switching to the new broker would be beneficial to the employees as well. The new plans' co-pay amount for employees will go from \$25 to \$15, the premium for the District is lowering and the family premium for the employee is going up slightly, but the rates were going up anyway. The District will save about \$456 in annual premium costs by making the switch with no loss in benefits to the employees. After the Board gives final approval, there will be some paperwork with the underwriter and then it is set up to start on March 1, 2020. Until then, the District will remain with the current plan which is VSP. The new vision benefit plan will also be with VSP but with the broker change.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director M. Rice, to approve enrollment into the Special District Risk Management Authority (SDRMA) vision benefit plan. The motion was approved by the following 4-0 roll call vote:

AYES: A. Krippner, A. Nguyen, M. Rice and C. Nguyen

NAYS:

ABSTAIN:

ABSENT: S. Contreras

C. Discussion and Consideration of Approval of Radio Outreach to the Vietnamese Community for Upcoming TET Parade and New Year (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 radio outreach to the Vietnamese community for upcoming TET parade and New Year and schedule a special meeting on Thursday, January 16, 2020 at 9:30 A.M. in order to be at VNCR at 10 A.M. The motion was approved by the following 4-0 roll call vote:

AYES: A. Krippner, A. Nguyen, M. Rice and C. Nguyen

NAYS:

ABSTAIN:

ABSENT: S. Contreras

Director S. Contreras arrived at the meeting at 5:28 P.M.

D. Consider Approval to Purchase Commercial Office Shredder *(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 A. Nguyen, seconded by Director S. Contreras, to approve the purchase of commercial office shredder for the District. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

E. Discussion and Consideration of Appointment of One Director to Represent the District at the Annual City of Westminster Tet Parade Meetings

(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 President C. Nguyen, to approve Director A. Nguyen to represent the District at the annual City of Westminster Tet parade meetings. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

A. Web Site Activity for the Month of November 2019 (157,586 Successful Hits)

Receive and file.

BOARD CONCERNS/COMMENTS

President C. Nguyen asked whether the District had started on its website as far as being compliant with AB1825.

GM K. Robbins stated that staff is working with Streamline to get the website done.

Director A. Nguyen asked about the two separate accidents reported in the weekly newsletter from GM K. Robbins and whether the employees responsible were written up.

GM K. Robbins stated that there is always an accident report done in these situations and that the drivers are constantly talked to and reminded of safety. The first incident with the mailbox was due to the carts being right next to the mailbox which was rotted away at its base and the other was a tight cul-de-sac with too many cars parked on the street. The amount of cars parked in the streets is becoming worse, and it is getting harder to reach containers to empty them.

Director M. Rice told GM K. Robbins to enjoy his vacation and she wished everyone a Merry Christmas.

Director A. Krippner thanked Director M. Rice for filling in for him as Treasurer.

Director S. Contreras apologized for being late and asked about Item 9C – approval for outreach to the Vietnamese community via VNCR Radio.

GM K. Robbins stated that there would be a special meeting called to order at the District at 9:30 A.M. on Thursday, January 16, 2020 in order to be at VNCR at 10 A.M. in order for the Board to do a segment.

Director S. Contreras commended Director A. Krippner for enduring while he's on the mend but asked how long it is legally okay for the District to have him attend meetings via teleconference. He stated that there was an instance in the past and he didn't want the District to get into any trouble and asked legal counsel if he would check into it.

President C. Nguyen wished GM K. Robbins a good vacation and wished everyone a Merry Christmas.

GM/STAFF CONCERNS/COMMENTS

GM K. Robbins wished everyone a Merry Christmas and Happy New Year, and wished Director S. Contreras a Happy Birthday.

Finance/HR Director R. Housley wished everyone a Merry Christmas, Happy New Year, and also wished Director S. Contreras a Happy Birthday.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel James Eggart stated that he had no concerns but that he wanted to wish everyone a happy holiday. He stated that there was a closed session scheduled per the Board's request and if the Board would still like to have it he would convene the meeting.

The Board unanimously stated yes.

General Counsel James Eggart convened the meeting at 5:41 P.M. to closed session pursuant to Government Code Section 54957(b)(1)) to conduct a public employee performance evaluation of the General Manager.

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.

A. PUBLIC EMPLOYEE DISCIPLINE (Government Code Section 54957)

President C. Nguyen reconvened the meeting at 6:02 P.M.

General Counsel James Eggart stated that there was no reportable action taken due to the closed session.

ADJOURNMENT

President C. Nguyen adjourned the meeting to Tuesday, January 7, 2020 at 5:30 P.M. at the District office at approximately 6:02 P.M.

Sergio Contreras, Secretary