

**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**

December 7, 2021

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, December 7, 2021 at 5:30 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep
Sergio Contreras (5:54 arrival)
Chi Charlie Nguyen
Andrew Nguyen
Mark Nguyen (5:32 arrival)

OTHERS AT MEETING:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Executive Board Secretary
Ashton Kauwe, Resident

PLEDGE AND INVOCATION

President A. Nguyen led the Pledge of Allegiance. GM K. Robbins gave the Invocation.

PUBLIC COMMENTS

None

Director M. Nguyen arrived at the meeting at 5:32 P.M.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF NOV. 16, 2021

(Roll Call vote)

A motion was made by Director T. Diep, seconded by Director C. Nguyen, to approve the minutes of the regular meeting of November 16, 2021. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

APPROVAL OF EXPENDITURES

(Roll Call vote)

A. Demands in the amount of \$ 618,198.29

| # | CK # | Date | AMOUNT | VENDOR | |
|----|-------|-------|---------------|---|---|
| | | | | CHECKS: | MEMO: |
| 1 | 13285 | 11/16 | \$ 11,414.82 | US Bank Corporate Payment Systems | District Credit Cards |
| 2 | 13286 | 11/19 | \$ 1,426.00 | AFSCME District Council | Replace lost checks for union dues |
| 3 | 13287 | 11/19 | \$ 121.96 | AT&T Mobility | Cell phone service |
| 4 | 13288 | 11/19 | \$ 40.31 | City of Westminster | Westminster lift station 09/15-11/9/21 |
| 5 | 13289 | 11/19 | \$ 71.94 | SoCalGas | District Offices Oct-2021 |
| 6 | 13290 | 11/19 | \$ 1,349.00 | Time Warner Cable | Television service |
| 7 | 13291 | 11/19 | \$ 95.00 | Asbury Environmental Services | (400) Gallons Used oil/mixed pick up |
| 8 | 13292 | 11/19 | \$ 750.00 | Ayala's Car Wash | Fleet vehicle wash 11/08/21 and 11/15/21 |
| 9 | 13293 | 11/19 | \$ 1,700.55 | Bodyworks Equipment, Inc. | Restock Heil parts for solid waste trucks |
| 10 | 13294 | 11/19 | \$ 82.71 | Cameron Welding Supply | Restock welding material for Shop |
| 11 | 13295 | 11/19 | \$ 548.80 | Cintas | Employee uniform services for 11/11-11/18/21 |
| 12 | 13296 | 11/19 | \$ 30.00 | City of Westminster FARP | 2021 FARP Permit Dues |
| 13 | 13297 | 11/19 | \$ 84.94 | City of Westminster | Hydrant water service 11/15-12/14/21 |
| 14 | 13298 | 11/19 | \$ 169,256.81 | CR Transfer | Residential Waste & Organic Tonnage Fees 10/01 -10/29/21 |
| 15 | 13299 | 11/19 | \$ 1,141.37 | CR&R Incorporated | October clean up event |
| 16 | 13300 | 11/19 | \$ 103.31 | Dtntech | Window envelopes (1,000) |
| 17 | 13301 | 11/19 | \$ 3,348.00 | HB Staffing | 11/01-11/14/21 for temp services |
| 18 | 13302 | 11/19 | \$ 190.92 | Hillco Fastener Warehouse Inc. | Restock lock nuts and bolts for solid waste trucks |
| 19 | 13303 | 11/19 | \$ 87.56 | Hose-Man | Parts for Shop |
| 20 | 13304 | 11/19 | \$ 840.00 | Merchants Building Maintenance, LL | Monthly janitorial service November 2021 |
| 21 | 13305 | 11/19 | \$ 10,998.50 | PumpMan, Inc. | 2nd Qtr. Pump Maintenance FY 21/22 |
| 22 | 13306 | 11/19 | \$ 119.00 | Remington Pure | Water filtration service |
| 23 | 13307 | 11/19 | \$ 2,156.00 | Rutan & Tucker, LLP | Legal services Oct-2021 |
| 24 | 13308 | 11/19 | \$ 138.93 | Snap-on Tools | Tools for tool box for shop |
| 25 | 13309 | 11/19 | \$ 210.15 | SoCal Auto & Truck Parts, Inc. | Restock parts for shop and solid waste trucks |
| 26 | 13310 | 11/19 | \$ 1,372.00 | Stater Bros. Market #27 | (24) Stater Bros Gift Cards (Less 2% Discount) for Holiday party |
| 27 | 13311 | 11/19 | \$ 2,014.92 | Tell Steel | Flooring material for Solid Waste trucks |
| 28 | 13312 | 11/19 | \$ 960.26 | TrucPar Company | Tools for Shop use |
| 29 | 13313 | 11/19 | \$ 1,050.00 | Viet Link Radio | 30 Minute Radio Talk Show (AM1480) 10/28, 11/05 and 11/08/21 |
| 30 | 13314 | 11/19 | \$ 7,530.10 | Woodruff, Spradlin & Smart | Legal Services Oct-2021 |
| 31 | 13315 | 11/19 | \$ 2,004.09 | TEC of California, Inc. | Restock parts for solid waste trucks |
| 32 | 13316 | 11/29 | \$ 893.56 | Bruce Jones | Claim to replace broken mirror caused by MCSD truck |
| 33 | 13317 | 12/1 | \$ 173.05 | Advanced Workplace Strategies, Inc | DOT random drug testing |
| 34 | 13318 | 12/1 | \$ 394.30 | AT&T | Brookhurst Lift Station Phone & Internet |
| 35 | 13319 | 12/1 | \$ 490.00 | Ayala's Car Wash | Fleet vehicle wash 11/22/21 |
| 36 | 13320 | 12/1 | \$ 7,506.30 | Bodyworks Equipment, Inc. | Repairs to NG-8 solid waste |
| 37 | 13321 | 12/1 | \$ 274.40 | Cintas | Employee uniform services for 11/26/21 |
| 38 | 13322 | 12/1 | \$ 1,750.00 | Clean Energy | Service for CNG Station |
| 39 | 13323 | 12/1 | \$ 89,324.30 | CR Transfer | Residential Waste & Organic Tonnage Fees 11/01-11/15/21 |
| 40 | 13324 | 12/1 | \$ 844.00 | CRC Cloud | MS office laptop for extra work station and maint. & support Nov-2021 |
| 41 | 13325 | 12/1 | \$ 1,179.69 | Frontier Communications | District Office Phones & Lift Stations |
| 42 | 13326 | 12/1 | \$ 1,674.00 | HB Staffing | 11/15 - 11/21/21 for temp services |
| 43 | 13327 | 12/1 | \$ 33.90 | LegalShield | Prepaid legal & theft svcs. Nov- 2021 |
| 44 | 13328 | 12/1 | \$ 1,725.00 | Me Viet Nam Productions | 30 Minute Talk Show 09/12 -09/26/21 |
| 45 | 13329 | 12/1 | \$ 200.00 | Memorial Care Medical Foundation | DMV physical for CDL |
| 46 | 13330 | 12/1 | \$ 423.01 | Purchase Power | Postage-Nov- 2021 |
| 47 | 13331 | 12/1 | \$ 2,767.00 | PumpMan, Inc. | Switch out pump and labor (Brookhurst) |
| 48 | 13332 | 12/1 | \$ 880.00 | Reliable Monitoring Services | Calibration & testing of gas detection system at district |
| 49 | 13333 | 12/1 | \$ 4,417.04 | SDRMA - Employee Benefits | Dental and Vision benefits Dec-2021 |
| 50 | 13334 | 12/1 | \$ 43.55 | SoCal Auto & Truck Parts, Inc. | Parts for Shop |
| 51 | 13335 | 12/1 | \$ 5,027.31 | Southern California Edison | District Offices, CNG station and Lift stations |

| | | | | | | |
|----|-------|-------|----|--------------|---|--|
| 52 | 13336 | 12/1 | \$ | 80.02 | Time Warner Cable | Service from 11/17-12/16/21 |
| 53 | 13337 | 12/1 | \$ | 1,318.48 | Standard Insurance Company | Life Insurance & AD&D Premium Coverage |
| 54 | 13338 | 12/1 | \$ | 166.64 | TrucPar Company | Restock parts for solid waste trucks |
| 55 | 13339 | 12/1 | \$ | 269.65 | Union Bank (NC) | District Credit Card |
| 56 | 13340 | 12/1 | \$ | 1,875.00 | Viet Link Radio (VNCR) | 10 Minute Radio Talk Show (AM1480) 11/19 - 11/25/21 |
| 57 | | | \$ | 344,968.15 | CHECKS SUBTOTAL | |
| 58 | | | | | | |
| 59 | | | | | PAYROLL: | MEMO |
| 60 | ACH | 11/16 | \$ | 76,713.85 | Paychex | Employee Payroll - Checks, Taxes, & Direct Deposits |
| 61 | ACH | 11/16 | \$ | 4,817.12 | Nationwide Retirement Solutions | 457 Deferred Compensation (100% paid by employees) |
| 62 | ACH | 11/16 | \$ | 1,047.70 | Nationwide Retirement Solutions | 457 Roth (100% paid by employees) |
| 63 | ACH | 11/30 | \$ | 82,069.63 | Paychex | Employee Payroll - Checks, Taxes, & Direct Deposits |
| 64 | ACH | 12/1 | \$ | 4,836.10 | Nationwide Retirement Solutions | 457 Deferred Compensation (100% paid by employees) |
| 65 | ACH | 12/1 | \$ | 1,312.75 | Nationwide Retirement Solutions | 457 Roth (100% paid by employees) |
| 66 | ACH | 12/2 | \$ | 329.71 | Paychex | Employee Payroll - Checks, Taxes, & Direct Deposits |
| 67 | ACH | 12/3 | \$ | 6,827.36 | Paychex | Board of Directors Payroll - Checks, Taxes, & Direct Deposits |
| 68 | | | \$ | 177,954.22 | ACH TRANSFERS SUBTOTAL | |
| 69 | | | | | | |
| 70 | | | | | ACH PAYMENTS: | MEMO |
| 71 | ACH | 11/16 | \$ | 16,544.76 | CalPERS | Retirement Contributions for 11/01/21-11/14/21 |
| 72 | ACH | 11/23 | \$ | 296.19 | Paychex | Paychex time module |
| 73 | ACH | 11/29 | \$ | 16,546.98 | CalPERS | Retirement Contributions for 11/15/21-11/28/21 |
| 74 | ACH | 12/1 | \$ | 55,192.59 | CalPERS | Active Employee and Retiree Health Ins Premiums December 2021 |
| 75 | ACH | 12/1 | \$ | 6,695.40 | CalPERS | Board of Directors Health Insurance Premiums for December 2021 |
| 77 | | | \$ | 95,275.92 | ACH TRANSFERS SUBTOTAL | |
| 78 | | | | | | |
| 79 | | | \$ | 618,198.29 | TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS) | |
| 80 | | | | | | |
| 81 | | | | | BANK TRANSFERS: | |
| 82 | UB | 11/12 | \$ | 1,000,000.00 | Transfer Funds from Money Market to UB Checking | |
| 83 | UB | 11/18 | \$ | 750,000.00 | Transfer Funds from Union Bank Checking to LAIF | |
| 84 | UB | 11/29 | \$ | 600,000.00 | Transfer Funds from UB Money Market to UB Checking | |
| 85 | | | \$ | 2,350,000.00 | BANK TRANSFERS | |

A motion was made by President A. Nguyen, seconded by Director M. Nguyen, to approve the expenditures in the amount of \$ 618,198.29. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that two of the District's three lead workers are contemplating moving out of state so the District may need to hire additional entry level drivers in the near future.

GM K. Robbins reminded the Board of the holiday luncheon on Saturday, December 11 from 12-3 and the Administrative Employee luncheon on Thursday, December 16 at noon at Longboards.

GM K. Robbins stated that the District received 250 COVID self-tests kits from the County as well as another 1,500 N-95 masks.

GM K. Robbins asked the Directors to sign the plaques on the dias for the two retiring employees before they left so they could be presented at the holiday luncheon on Saturday.

Report from the Orange County Sanitation District (OC San) Meetings on Nov. 17, 2021

President A. Nguyen reported that OC San honored several long-term service members and there was discussion regarding several lawsuits which he could not discuss.

Report from the VNCR Radio Show on Nov. 18, 2021

Directors T. Diep reported that he and Director S. Contreras went on VNCR to talk about recycling, especially organic waste, how to properly dispose of those things and not putting grease down the drain during the holidays.

Report from the Ad Hoc Committee Meeting on Nov. 24, 2021

Director T. Diep, President A. Nguyen and GM K. Robbins met to discuss the proposed mid-February Open House.

GM K. Robbins stated that he would be talking to DTN regarding the mailer and handouts.

President A. Nguyen stated that he was in contact with Westminster High School regarding students who would be performing a dragon dance and a drum line for the event.

Director C. Nguyen stated that the District would have free advertising on the radio.

Report from the Radio Shows on Nov. 29 & 30, 2021

Director C. Nguyen reported that he attended both events and that on the 29th he went on Radio Bolsa with Director M. Nguyen and GM K. Robbins to discuss recycling and upcoming District activities and on the 30th, with Director S. Contreras and a representative from CR&R.

Director M. Nguyen reported that it was a good meeting because the partnership with CR&R is good. CR&R was asked to do two mailers – the first, a blanket mailer explaining the circumstances of the recent service issues and the second to specific customers who had those service issues, to explain why and give them service credit.

GM K. Robbins stated that he discussed the letters being sent out from the District regarding the second black containers and that people are turning them in as hoped.

Director S. Contreras arrived at the meeting at 5:54 P.M

Report from the Franchise Committee Meeting on Dec. 6, 2021

Directors C. Nguyen reported that he and Director M. Nguyen, GM K. Robbins and a representative from CR&R met to discuss the current service issues. CR&R admitted that they have problems getting parts for their trucks and a high turnover of drivers at this time. Together they came up with a few remedies and CR&R has made the District a priority. There will be a follow-up meeting in two weeks.

Director M. Nguyen reported that CR&R will do a blanket mailer explaining the situation and then a second mailer for missed service credit to customers.

CONSENT CALENDAR

(Roll Call vote)

- A. Approve Request of Fleet Maintenance Worker Raul Martinez to receive 40 Hours of Vacation pay in Lieu of Time Off Due to Financial Hardship

A motion was made by Director S. Contreras, seconded by Director T. Diep, to approve the Consent Calendar. 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:

OLD BUSINESS

None

GM K. Robbins took a photo of the current Board of Directors prior to the reorganization.

NEW BUSINESS

- A. Consider the Board Reorganization

(Roll Call vote)

General Counsel J. Eggart stated that he would handle the conduct of the meeting for a few minutes while the Board elected a new President. Once the new President was elected, he would turn the proceedings back over to that individual for the purpose of electing and appointing the rest of the Board positions.

General Counsel J. Eggart opened the floor for nomination for the office of President.

Director S. Contreras, seconded by Director C. Nguyen nominated President A. Nguyen for the office of President.

General Counsel J. Eggart asked if there were any other nominations for the position of President of the Board.

Hearing none, General Counsel J. Eggart closed the nominations and asked for the vote.

The nomination of President A. Nguyen to the office of President was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart congratulated President A. Nguyen on his appointment to the office of President and relinquished the conduct of the proceedings back to the President.

President A. Nguyen thanked the Board and took over the conduct of the meeting.

President A. Nguyen opened the floor for nominations for the office of President Pro-Tem.

Director C. Nguyen, seconded by Director S. Contreras nominated Director T. Diep for the office of President Pro-Tem.

The nominations for the office of President Pro-Tem were closed.

The appointment of Director T. Diep to the office of President Pro-Tem was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen opened the floor for nominations for the office of Secretary.

Director T. Diep, seconded by Director C. Nguyen nominated Director S. Contreras for the office of Secretary.

The nominations for the office of Secretary were closed.

The appointment of Director S. Contreras to the office of Secretary was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen opened the floor for nominations for the office of Treasurer.

Director S. Contreras, seconded by Director M. Nguyen nominated Director C. Nguyen for the office of Treasurer.

The nominations for the office of Treasurer were closed.

The appointment of Director C. Nguyen to the office of Treasurer was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen opened the floor for nominations for the office of Secretary/Treasurer Pro-Tem.

Director S. Contreras, seconded by President A. Nguyen nominated Director M. Nguyen for the office of Secretary/Treasurer Pro-Tem.

The nominations for the office of Secretary/Treasurer Pro-Tem were closed.

The appointment of Director C. Nguyen to the office of Secretary/Treasurer Pro-Tem was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen stated that the next office for discussion was the Orange County Sanitation District (OC San) Representative, which is the President or the President's appointee.

President A. Nguyen appointed himself to serve as the District's Representative to Orange County Sanitation District (OC San).

President A. Nguyen appointed Director M. Nguyen as the Alternate Representative to Orange County Sanitation District (OC San).

Director M. Nguyen accepted the appointment.

Director C. Nguyen, seconded by Director S. Contreras nominated Director S. Contreras and Director M. Nguyen to the Calendar Committee.

The appointment of Director S. Contreras and Director M. Nguyen to the Calendar Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

Director C. Nguyen, seconded by Director S. Contreras nominated Director C. Nguyen as Alternate to the Calendar Committee.

The appointment of Director C. Nguyen as Alternate to the Calendar Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

Director T. Diep, seconded by Director S. Contreras, nominated Director S. Contreras and Director M. Nguyen to the Franchise Agreement Committee and Director C. Nguyen as Alternate to the Franchise Agreement Committee.

The appointment of Directors S. Contreras and M. Nguyen to the Franchise Agreement Committee and Director C. Nguyen as Alternate to the Franchise Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

President A. Nguyen opened the floor for discussion as to future Board meeting dates and times. He stated that it is currently set at the first and third Tuesday of each month at 5:30 P.M. unless otherwise declared by the Board.

Director S. Contreras, seconded by President A. Nguyen made a motion to keep the meeting dates and time the same. 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:

B. Approve Budget Calendar for Fiscal Year 2022-2023 (July 1, 2022 through June 30 2023) **(Roll Call vote)**

Finance/HR Director R. Housley stated that he wished to adopt the budget early (April) next year because of the upcoming District remodel.

A motion was made by Director S. Contreras, seconded by Director C. Nguyen, to approve the proposed budget calendar for fiscal year 2022-2023 and set February 22, 2021 and March 22, 2021 as the dates for the first and second public budget workshops. 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. Consider Amendment to Legal Agreement with Rutan & Tucker, LLP Providing for Increased Hourly Billing Rates for Legal Counsel Services Commencing on January 1, 2022
(Roll Call vote)

Director C. Nguyen requested a closed session to discuss this matter.

General Counsel J. Eggart stated that any rate increase should be approved in open session, but that if the Board wished to conduct a performance evaluation of labor and employment counsel prior to considering the proposed rate increase it could. The General manager indicated that he would agendize a performance evaluation item for the December 21, 2021 meeting prior to the Board considering the proposed rate increase.

A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to table the matter to the December 21, 2021 regular meeting. 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:

D. Approval of Notice to Bidders for the Addition and Remodel of the Midway City Sanitary District Office
(Roll Call vote)

GM K. Robbins stated that the bid opening would be on Tuesday, February 1, 2021 at 2 P.M. and that he would hopefully bring back a recommendation at the second meeting in February or the first meeting in March.

Director T. Diep stated that he was concerned that the qualifications in the instructions to bidders was too restrictive as far as experience and would limit bids.

Discussion ensued regarding the wording under qualifications in Notice to Bidders and Instructions to Bidders.

Director S. Contreras stated that he wanted it noted that the Board has the discretion to reject all bids based on history.

A motion was made by Director T. Diep, seconded by Director C. Nguyen, to direct the General Manager to revise the proposed bid documents in accordance with direction given by the Board and to issue the Notice to Bidders. 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:

E. Consideration of Adoption of Ordinance #71 Amending the District's Solid Waste Regulations to Comply with SB1383 Organics Recycling Mandates **(Roll Call vote)**

General Counsel J. Eggart stated that one of the requirements of SB1383 is that all jurisdictions must adopt an Ordinance that conforms to the regulations promulgated by CalRecycle which will take effect on January 1, 2022. That Ordinance must contain certain provisions for enforcement and issuance of fines. There are also new requirements that don't exist presently for certain types of grocery stores and restaurants to recover a portion of edible food rather than throwing it in the trash and find a place to donate it so that it doesn't go to waste. There are several provisions in the Ordinance to implement those requirements. The biggest mandate of SB1383 is that all commercial and residential customers now have to source separate their organic waste. The District is already doing this, so it is not a big change except for the enforcement aspect.

Board discussion ensued.

A motion was made by Director T. Diep, seconded by Director S. Contreras, to adopt Ordinance #71 amending the District's solid waste regulations to comply with SB1383 organics recycling mandates, as presented, waive further reading and direct the General Manager to publish and/or post the summary of Ordinance 71 in accordance with Health and Safety Code section 6490. 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:

F. Consideration of Approval of Enforcement Authority Agreement with the City of Westminster for the Education, Compliance and Enforcement Pursuant to Senate Bill 1383 **(Roll Call vote)**

A motion was made by Director T. Diep, seconded by Director C. Nguyen, to move as recommended by staff and approve the proposed Enforcement Authority Agreement between the District and the City of Westminster and authorize the General Manager to execute the

Agreement and make minor revisions, as needed. 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:

G. RESOLUTION NO. 2021-13

(Roll Call vote)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, MAKING SPECIFIED FINDINGS AND REAUTHORIZING THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 AND GOVERNMENTS CODE SECTION 54953 (e) FOR MEETING OF THE MIDWAY CITY SANITARY DISTRICT BOARD OF DIRECTORS AND OTHER DISTRICT COMMITTEES SUBJECT TO STATE OPEN MEETINGS LAWS

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve adoption of Resolution No. 2021-13. The resolution was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

A. CalPERS Employer News – ALM Decision: Board Holds Discount Rate and Selects New Investment Allocation

Receive and file.

BOARD CONCERNS/COMMENTS

Director M. Nguyen stated that the Franchise Agreement Committee meeting with CR&R was a good meeting and feels that the District needs to be flexible with them and think outside the box because these are difficult times.

Director S. Contreras stated that he was looking forward to the District's holiday luncheon on Saturday and the Administrative luncheon next Thursday, both at noon.

Director C. Nguyen thanked GM K. Robbins for working hard with CR&R to correct the service issues within the District and congratulated President A. Nguyen on his reappointment.

Director T. Diep congratulated President A. Nguyen and stated that he had some new ideas for 2022.

President A. Nguyen thanked everyone for their support.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that he was looking forward to seeing everyone at the District's holiday luncheon on Saturday and at the Administrative luncheon next Thursday. He stated that staff would need new signature plates for Directors due to the reorganization.

Finance/HR Director R. Housley stated that he would be in touch with Director C. Nguyen as the new Treasurer.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel, J. Eggart stated that he would need to do legal research regarding the proposed closed session requested by Director C. Nguyen.

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, December 21, 2021 at 5:30 P.M. at the District office at approximately 7:07 P.M.

Sergio Contreras
Sergio Contreras, Secretary