

**MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF THE MIDWAY CITY
SANITARY DISTRICT OF ORANGE COUNTY
VIA TELECONFERENCE / VIDEO CONFERENCE ONLY IN ACCORDANCE WITH
ASSEMBLY BILL 361 AND GOVERNMENT CODE SECTION 54953(e)**

Friday, May 6, 2022

CALL TO ORDER

President A. Nguyen called the special meeting of the Governing Board of the Midway City Sanitary District to order at 9:01 A.M. The meeting was held utilizing teleconferencing and electronic means only in accordance with Assembly Bill 361 and Government Code Section 54953(e).

BOARD MEMBERS PRESENT:

Tyler Diep (via teleconference arrived @ 9:07 AM)
Sergio Contreras (via teleconference)
Chi Charlie Nguyen (absent)
Andrew Nguyen (via teleconference)
Mark Nguyen (via teleconference)

OTHERS AT MEETING:

Ken Robbins, General Manager (via teleconference)
Robert Housley, Finance/HR Director (via teleconference)
James Eggart, General Counsel (via teleconference)
Danielle Gerardo, Exec. Board Secretary (via teleconference)
Cynthia Oldster, MCSD Receptionist (via teleconference)

PLEDGE AND INVOCATION

President A. Nguyen led the Pledge of Allegiance and gave the Invocation.

PUBLIC COMMENTS

None

General Counsel, J. Eggart convened the meeting to a closed session at 9:06 AM pursuant to Government Code Section 54956.9(d)(2): (1 case), as identified on the agenda as Item 4.

Director T. Diep arrived at the meeting at 9:07 A.M.

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. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to Government Code § 54956.9(d)(2): (1 case)

General Counsel J. Eggart reconvened the meeting at 9:38 AM and reported that the Board had met in closed session as identified on Agenda Item No. 4 and that no reportable action had been taken.

NEW BUSINESS

- A. Consideration of Award of a Contract for the Addition and Remodel Improvements of the Midway City Sanitary District Office, Project No. 202041 **(Roll Call Vote)**

GM K. Robbins stated that he would like to modify Staff's recommendation and instead recommend that the Board reject all bids, that the District rebid the project, and that an item be placed on the agenda for the May 17, 2022 regular meeting for the Board to discuss the contents of the new bid package.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director S. Contreras, seconded by President A. Nguyen to reject all bids and to direct Staff to place an item on the agenda for the May 17, 2022 regular meeting of the Board to discuss and provide direction on the contents of the new bid package. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

Director S. Contreras thanked the MCSD team for their diligence and for rescheduling the meeting.

President A. Nguyen thanked the Board and staff.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins thanked General Counsel, the Board, staff and Richard Rengel and Sadia Syed from Rengel Architects.

GENERAL COUNSEL CONCERNS/COMMENTS

None

ADJOURNMENT

President A. Nguyen adjourned the meeting to Tuesday, May 17, 2022 at 5:30 P.M. at the District office at approximately 9:44 A.M.

Sergio Contreras
Sergio Contreras, Secretary