

**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**

**April 4, 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 Avenue, Westminster, California on Tuesday, April 4, 2023 at 5:35 p.m.

**BOARD MEMBERS PRESENT:**

Tyler Diep  
Andrew Nguyen  
Chi Charlie Nguyen  
Sergio Contreras  
Mark Nguyen

**STAFF PRESENT:**

Robert Housley, General Manager  
Cynthia Olsder, Executive/Board Secretary  
Milo Ebrahimi, District Engineer

**OTHERS PRESENT:**

James Eggart, Legal Counsel

**PLEDGE AND INVOCATION**

Director M. Nguyen led the Pledge of Allegiance. Director S. Contreras gave the Invocation.

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MARCH 21, 2023**

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to approve the minutes of the Regular Meeting of March 21, 2023. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

## APPROVAL OF EXPENDITURES

### A. Demands in the amount of \$1,196,468.01

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14477	3/23	1,079.47	Anthony J. Vela	Reimburse sewer and trash ADU 2019-23
2	14478	3/23	468.81	AT&T (Brookhurst Lift Station)	Brookhurst Mar-2023
3	14479	3/23	379.16	AT&T Mobility (First Net)	Cell phone service Feb-2023
4	14480	3/23	670.00	Ayala's Car Wash	Washing and cleaning of district's fleet
5	14481	3/23	3,949.79	Bodyworks Equip. Inc.	Heil parts for solid waste trucks
6	14482	3/23	557.45	Cameron Welding Supply	Welding supplies for shop
7	14483	3/23	84.94	City of Westminster Hydrant	Hydrant water service Mar-2023
8	14484	3/23	190,971.98	CR Transfer, Inc.	Tonnage Fees Jan-2023
9	14485	3/23	359.90	CRC Cloud	Computer software for admin staff
10	14486	3/23	19,296.91	Cummins Pacific LLC	Engine and valve repairs to solid waste trucks
11	14487	3/23	2,669.26	Daniels Tire Service	Restock tires for solid waste
12	14488	3/23	5,890.00	Davis Farr LLP	Accounting assistance Jan-2023
13	14489	3/23	1,268.56	Driveshaftpro	Drive shaft for solid waste trucks
14	14490	3/23	659.47	Hillco Fastener Warehouse Inc.	Restock lock nuts and bolts for solid waste
15	14491	3/23	828.36	Merchants Building Maintenance, LLC	Janitorial services Mar-2023
16	14492	3/23	1,528.02	Motion and Flow Control Products, Inc.	Hydraulic hoses for solid waste truck
17	14493	3/23	91,109.98	Orange County Treasurer-Tax Collector	General election held on 11/08/22
18	14494	3/23	114.00	Paychex - Employee Screening	New hire employee screening
19	14495	3/23	252.22	Pitney Bowes Global Financial Services	Postage machine 04/10 - 07/09/23
20	14496	3/23	201.00	Pitney Bowes/Purchase Power	Postage for Feb-2023
21	14497	3/23	416.50	Rutan & Tucker, LLP	Legal Services Feb-2023
22	14498	3/23	1,803.52	Safety-Kleen Systems, Inc.	Hydraulic oil for solid waste trucks
23	14499	3/23	490.26	Snap-On Tools	Tools for shop use
24	14500	3/23	125.12	SoCalGas	Natural Gas for offices, shop, and wash rack
25	14501	3/23	1,349.00	Spectrum Enterprise (Time Warner Cable)	Internet Services Mar-2023
26	14502	3/23	322.17	Staples Business Credit	Membership fee Feb-2023
27	14503	3/23	414,024.84	TEC of California, Inc. - Trucks	Mack truck front loader 2023
28	14504	3/23	555.48	UniFirst Corporation	Employee uniform & laundry services
29	14505	3/23	1,500.00	Viet Link Radio	Radio outreach
30	14506	3/23	2,062.50	VNCR	Radio outreach
31	14507	3/23	243,736.33	Woodcliff Corporation - Contractor	Building project pay application #5 Feb-2023
32	14508	3/23	12,828.23	Woodcliff Corporation - Escrow Account	Building project pay application #5 - Retention pmt
33	14509	3/23	8,900.50	Woodruff, Spradlin & Smart	Legal services Feb-2023
34			<b>\$ 1,010,453.73</b>	<b>CHECKS SUBTOTAL</b>	
35					
36				<b>PAYROLL:</b>	<b>MEMO</b>
37	ACH	3/22	\$ 77,256.37	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
38	ACH	3/22	\$ 5,645.28	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
39			<b>\$ 82,901.65</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
40					
41				<b>ACH PAYMENTS:</b>	<b>MEMO</b>
42	ACH	3/8	\$ 15,252.31	CalPERS	Retirement Contributions for 02/20-03/05/23
43	ACH	3/22	\$ 15,391.27	CalPERS	Retirement Contributions for 03/06-03/19/23
44	ACH	3/24	\$ 6,874.74	CalPERS	Board of Directors Health Insurance Premiums for Apr-23
45	ACH	3/24	\$ 65,594.31	CalPERS	Active Employee and Retiree Health Ins Premiums Apr-23
46			<b>\$ 103,112.63</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
47					
48			<b>\$ 1,196,468.01</b>	<b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b>	
49					
50				<b>BANK TRANSFERS:</b>	
51	UB	3/14	\$ 665,000.00	Transfer Funds from UB Money Market to UB Checking	
52	UB	3/23	\$ 500,000.00	Transfer Funds from LAIF to UB Checking	
53			<b>\$ 1,165,000.00</b>	<b>BANK TRANSFERS</b>	

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve the expenditures in the amount of \$1,196,468.01. The motion was approved by the following 4-0-1 vote:

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

NAYS:

ABSTAIN: T. Diep

ABSENT:

## **REPORTS**

### **Report of President:**

None

### **Report of Interim General Manager**

GM R. Housley reported that he has received a letter from CR&R regarding the landfill system situation within Orange County. Due to the prolonged delays, CR&R is requesting support from the District in a variance to dispose their solid waste at other landfills outside of Orange County until the system is fully operational.

GM R. Housley reported that the District just purchased a new pick-up truck for operations. Additionally, a second email will be sent to decide on a date for the field trip to the CR&R Anaerobic Digestion Plant.

### **Report from the District Luncheon on March 22, 2023**

President Diep reported that it was a gathering to recognize the hard work of the staff, and it was nice to see Ken Robbins once more.

### **Report from OC San District Special Meeting on March 22, 2023**

Director A. Nguyen reported that OC San adopted Ordinance No. OC SAN-58, adopting regional sewer service charges, which includes an average increase of 3.5% per year for the following five years. He also provided an update on the Westminster Blvd. Sewer Project.

### **Report from the Building Project Ad Hoc Committee Meeting on March 28, 2023**

Director M. Nguyen reported that the meeting was effective, and he deferred to GM R. Housley to provide the update.

GM R. Housley reported that the project is now expected to be finished sometime in September. He also reported that he attended a meeting with Rengel to go over the purpose of each office area, set up a general budget, create a schedule, and discuss the best course of action for the purchasing of office furniture and desks.

## Report from the ISDOC Virtual Quarterly Meeting on March 30, 2023

Director S. Contreras reported that a lobbyist was present and was doing most of the speaking. He was discussing the legislative procedure and process.

### CONSENT CALENDAR

- A. Approve the Statement of Work for Audit Services, the Agreed-upon Procedures, and Compilation & Preparation Between the Midway City Sanitary District and CliftonLarsonAllen, LLP to Perform the Independent Audit for Fiscal Year 2022-2023
- B. Approve Request of Solid Waste Driver Robert Mayfield to Received 40 hours of Vacation Pay in Lieu of Time Off to Financial Hardship

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 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

### OLD BUSINESS

None

### NEW BUSINESS

- A. CONSIDERATION OF RESOLUTION NO. 2023-09 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING AMENDED PURCHASING POLICY AND PROCEDURES

A staff report and recommendation were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to adopt Resolution No. 2023-09, adopting amended purchasing policy and procedures. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

- B. Consider Approval of a Consultant Agreement between the Midway City Sanitary District and Kenneth Robbins to Provide Temporary Consulting and Advisory Services in an Amount Not to Exceed \$15,600

A staff report and recommendation were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to approve and authorize the General Manager to execute the proposed consultant agreement with Kenneth Robbins to provide temporary consulting and advisory services, in an amount not to exceed \$15,600. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

- C. Consider Approval of Notice of Termination / Non-Renewal of the Automatic Renewal and Extension Provision of the Exclusive Franchise Agreement with CR&R Incorporated

A staff report and recommendation were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve and authorize the General Manager to sign the attached notice of termination / non-renewal of automatic renewal and extension provision of the exclusive franchise agreement between the Midway City Sanitary District and CR&R Incorporated. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

## **INFORMATIONAL ITEMS**

1. March 29, 2023 CR&R Request for Support to Utilize Landfills Outside of Orange County

Received and Filed

## **BOARD CONCERNS/COMMENTS**

The Board thanked staff.

## **GM/STAFF CONCERNS/COMMENT**

GM R. Housley reminded the Board of the Outreach Committee meeting on April 5, 2023, as well as the clean-up event on April 8, 2023. He said that door hangers, mailers, and a banner would be displayed two days prior to the clean-up event.

## GENERAL COUNSEL CONCERNS/COMMENTS

None

## 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 LABOR NEGOTIATORS (Government Code Section 54957.6)  
Agency Designated Representatives: Interim General Manager Robert Housley and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

The Board did not convene into closed session.

## ADJOURNMENT

President T. Diep adjourned the meeting at 6:09 p.m. to the next Board meeting to be held at the District on Tuesday, April 18, 2023 at 5:30 p.m.

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Andrew Nguyen, Secretary