

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

EVERYONE WHO ATTENDED THIS HYBRID/TELECONFERENCE MEETING ATTENDED FROM VARIOUS LOCATIONS PURSUANT TO THE PROVISION OF THE GOVERNOR'S EXECUTIVE ORDER WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT. AGENDA PACKETS WERE MADE AVAILABLE AT THE DISTRICT OFFICE AND A LINK, PHONE NUMBER AND ACCESS NUMBER WERE MADE AVAILABLE TO ANYONE WISHING TO ATTEND. PER STATE OF CALIFORNIA EXECUTIVE ORDER NO. N-29-20, AND IN THE INTEREST OF PUBLIC HEALTH AND SAFETY, THE DISTRICT STRONGLY ENCOURAGED MEMBERS OF THE PUBLIC TO PARTICIPATE IN THIS MEETING TELEPHONICALLY RATHER THAN ATTENDING IN PERSON.

March 16, 2021

CALL TO ORDER

President A. Nguyen called the special teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, March 16, 2021 at 5:07 P.M.

BOARD MEMBERS PRESENT:

Margie L. Rice (via teleconference)
Tyler Diep (via teleconference)
Sergio Contreras (via teleconference)
Chi Charlie Nguyen (via teleconference)
Andrew Nguyen (via teleconference)
Total of 35 Participants (via teleconference)

OTHERS AT MEETING:

Kenneth Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel (via teleconference)
Joseph Larsen, Labor Counsel (via teleconference)
Danielle Gerardo, Board Secretary

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None at this time. All teleconference participants wished to address Item 9B.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MAR. 2, 2021 (Roll Call Vote)

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the minutes of the special meeting of March 2, 2021. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$443,614.87 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	
1				CHECKS:	MEMO
2	12496	3/2	\$ 465.00	Ayala's Car Wash	Fleet wash 2/22
3	12497	3/2	\$ 265.62	Cintas	Uniform Services for 2/25
4	12498	3/2	\$ 881.00	CRC Cloud	Monthly Maintenance/Support
5	12499	3/2	\$ 2,333.26	Daniel's Tire Service	(11) Restock recap tires
6	12500	3/2	\$ 300.00	Streamline	Website Monthly Member Fee
7	12501	3/2	\$ 1,217.57	Frontier Communications	District Office Phones & Lift Stations
8	12502	3/2	\$ 11,700.00	IB Consulting	Completed Model Development, calls, meeting minutes
9	12503	3/2	\$ 300.00	MemorialCare Medical Foundation	Medical card renewals
10	12504	3/2	\$ 10,998.50	Pumpman, LLC	3rd Qtr. Pump Maintenance FY 20/21
11	12505	3/2	\$ 28,312.50	Rengel + Company Architects, Inc	Architectural Services for Building Project
12	12506	3/2	\$ 4,678.72	Southern California Edison	District Offices, CNG Station and Lift Stations
13	12507	3/2	\$ 74.31	Time Warner Cable	Television service
14	12508	3/2	\$ 2,021.96	TEC of California, Inc	Restock air dryer, brake and hub assembly parts
15	12509	3/2	\$ 24.85	Underground Service Alert/SC	(9) New Dig Alert tickets
16	12510	3/2	\$ 80,802.84	Rehrig Pacific Company	Restock (702) 95-gal blue & (936) 65-gal black containers
17	12511	3/2	\$ 4,347.06	US Bank Corporate Payment Systems	District Credit Cards
18	12512	3/8	\$ 125,000.00	CalPERS-Fiscal Services Division	CEPPT Trust fund for future retirement & liability payments
19	12513	3/9	\$ 1,875.00	Ayala's Car Wash	Fleet wash 2/25, 3/1, 3/2, 3/4, 3/8
20	12514	3/9	\$ 722.97	Bodyworks Equipment, Inc	Restock electrical parts for Heil system
21	12515	3/9	\$ 1,171.29	Wex Bank (Chevron)	Fuel Credit Card
22	12516	3/9	\$ 270.58	Cintas	Uniform Services for 2/18, 3/4
23	12517	3/9	\$ 1,584.39	Cummins Sales & Service	Restock engine spark plugs & rocker levers
24	12518	3/9	\$ 1,218.96	Daniel's Tire Service	(6) Restock recap tires
25	12519	3/9	\$ 6,169.31	Dntech	MCSD post card for clean-up event 4/10/21
26	12520	3/9	\$ 1,719.21	Haaker Equipment Company	Replacement and rebuild kits M-64, NG-12 & NG-16
27	12521	3/9	\$ 43.53	Hillco Fastener Warehouse Inc	Restock locknuts for rear differentials
28	12522	3/9	\$ 420.00	Konecranes, Inc	5 Ton crane quarterly inspection
29	12523	3/9	\$ 804.23	Merchants Building Maintenance, LLC	Monthly Janitorial Service
30	12524	3/9	\$ 29,391.10	Orange County Sanitation District	Permit Fees
31	12525	3/9	\$ 254.48	Pitney Bowes Global Financial Services	Leasing Payment for APR 10, 2021 to JUL 9, 2021
32	12526	3/9	\$ 975.00	Radio Bolsa Corp	3-(15) Minute Talk Show 02/10, 02/15 (106.3FM) (1480AM)
33	12527	3/9	\$ 1,000.00	SRDMA	Incident claim deductible 2/18/21
34	12528	3/9	\$ 63.24	Snap-On Tools	Stock tools for shop use
35	12529	3/9	\$ 53.36	SoCal Auto & Truck Parts, Inc	Restock supplies for shop
36	12530	3/9	\$ 708.80	Staples Business Credit	Restock Office Supplies + Annual Membership
37	12531	3/9	\$ 3,761.54	TEC of California, Inc	Restock brake parts, oil for differential & air filters

38	12532	3/9	\$ 6,939.12	Truck Gears Incorporated	Repaired differential & drive line for NG-7
39	12533	3/9	\$ 481.21	TrucPar Company	Restock air hoses & fittings for brake system
40	12534	3/9	\$ 1,908.29	Verizon	Internet Connection
41	12535	3/9	\$ 1,320.00	Viet-Nam California Radio	Talkshow: 18 minutes/time total (2) Runs 2/12/21-2/15/21
42	12536	3/9	\$ 305.00	Westminster Herald	Notice in paper 02/25/21 & 03/04/21 of Public Hearing
43			\$ 336,883.80	CHECKS SUBTOTAL	
44					
45				PAYROLL	
46	ACH	3/5	\$ 6,080.96	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
47	ACH	3/5	\$ 485.44	Nationwide Retirement Solutions	457 Deferred Comp (100% Paid By Board of Directors)
48	ACH	3/9	\$ 79,251.07	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
49	ACH	3/10	\$ 4,480.00	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
50	ACH	3/10	\$ 560.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
51			\$ 90,857.47	ACH TRANSFERS SUBTOTAL	
52					
53				ACH PAYMENTS	
54	ACH	3/9	\$ 15,873.60	CalPERS	Retirement Contributions for 02/22/21-03/07/21
55			\$ 15,873.60	ACH TRANSFERS SUBTOTAL	
56					
57			\$ 443,614.87	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
58					
59				BANK TRANSFERS	
60	UB	3/2	\$80,000.00	Transfer Funds from UB Money Market to UB Checking Account	
61	UB	3/4	\$400,000.00	Transfer Funds from LAIF to UB Checking Account	

Director T. Diep stated that, for the record, he would not participate in this item due to a conflict.

A motion was made by Director M. Rice, seconded by President A. Nguyen, to approve the expenditures in the amount of \$443,614.87. The motion was approved by the following 4-1 roll call vote:

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

NAYS:

ABSTAIN: T. Diep

ABSENT:

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that the City of Westminster would be hosting a drive-through Spring Festival on Saturday, March 27, 2021 and that he would like the District to participate and hand out items to the children of the community who attend.

GM K. Robbins reported that he had a meeting with CalRecycle regarding 2020, AB1383 and food recovery and stated that the District is in good shape due to its partnership with WasteNotOC. Abrazar, who has been distributing food from Harvest food bank for many years, has distribution centers in both Westminster and Midway City. CR&R is also in good shape and will be mandating the new law to its full extent on January 1, 2022.

Report from the Orange County Sanitation District (OCSD) Meeting on Mar.10, 2021

Director A. Nguyen reported that there was an update on new laws, discussion regarding a refund of revenues, refinancing debt at a lower interest, waste water and the budget for 2020-2021.

Report from the Outreach Committee Meeting on March 5, 2021

President A. Nguyen and Director T. Diep reported that they had a meeting with Finance/HR Director R. Housley to discuss social media advertising to promote the District.

Director T. Diep stated that they discussed the possibility of condensing pro-recycling messages to be run on stations as public service announcements.

CONSENT CALENDAR

- A. Approve and File the Treasurer's Investment Report for February 2021
- B. Approve the February 2021 Financial Reports and Budget Review for the Period of July 1, 2020 through February 28, 2021
- C. Approve Fiscal Year 2020-2021 Budget Adjustments No. 1

A motion was made by Director T. Diep, seconded by Director M. Rice, 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 and M. Rice

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS

None

NEW BUSINESS

- A. Ordinance No. 70: An Ordinance of the Board of Directors of the Midway City Sanitary District of Orange County California, Adjusting the Compensation for the Board of Directors **(Roll Call Vote)**

President A. Nguyen opened the public hearing pertaining to the adoption of Ordinance No. 70 and asked if there were any public comments on the proposed adjustment to compensation and Ordinance No. 70.

Hearing none, President A. Nguyen closed the public hearing pertaining to the adoption of Ordinance No. 70.

A motion was made by Director T. Diep, seconded by President A. Nguyen, to approve adoption of Ordinance No. 70, adjusting the compensation for the Board of Directors. The motion was approved by the following 3-1-1 roll call vote:

AYES: T. Diep, A. Nguyen and M. Rice

NAYS: S. Contreras

ABSTAIN: C. Nguyen

ABSENT:

B. Discussion and Consideration of Negotiation of Community Workforce Agreement with Los Angeles/Orange Counties Building and Construction Trades Council for District Addition and Remodel Project **(Roll Call Vote)**

GM K. Robbins stated that this item was brought onto the agenda at the request of Director T. Diep after a meeting with President A. Nguyen and Mr. Ernesto Medrano who represents the Los Angeles/Orange County Building and Construction Trades Council. Mr. Medrano is proposing that the District contract with the Council for the District's upcoming project and is offering comparable wages since the District will be paying prevailing wages.

There were a total of 35 participants via teleconference for the meeting - thirteen (13) spoke regarding Item 9B - twelve (12) in favor, and one (1) opposed. The District Secretary also read several written emails that were received by the District.

Director M. Rice stated that she is opposed to this item.

Director S. Contreras stated that he appreciates the conversation on this item and feels it is a great opportunity for the District to help its community.

President A. Nguyen asked General Counsel J. Eggart to weigh in on this item.

General Counsel J. Eggart stated that Community Workforce Agreements (CWA's) like this have been entered into by other Orange County agencies and are authorized.

President A. Nguyen stated that this is a big project and asked General Counsel J. Eggart if was legal for him to appoint some Directors to work with staff on the negotiations agreement.

General Counsel J. Eggart stated he would recommend that the Board as a whole take action on that if that was his preference, rather than him appointing someone.

Director M. Rice made a motion to consider this as a full Board after the public has been informed and then have all the forms before them to see how it will affect the District in getting a good bid. The motion died due to the lack of a second.

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 Director T. Diep, to direct staff to enter into negotiations with the LA/OC Counties Building and Construction Trades Council for a community workforce agreement to bring back for the Board's consideration and appoint Directors S. Contreras and T. Diep to a sub-committee to work with staff and the LA/OC Counties Building and Trades Council. The motion was approved by the following 3-1-1 roll call vote:

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

NAYS: M. Rice

ABSTAIN: C. Nguyen

ABSENT:

C. Approval of Payment to the City of Westminster in the Amount of \$32,100 for Adjusting Midway City Sanitary District Manholes to Finished Grade within the Public Right-of-Way Due to Street Projects During 2020 **(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 Director S. Contreras to approve staff recommendation to approve the payment to the City of Westminster in the amount of \$31,200 for adjusting MCSD manholes to finish grade. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

D. Consider Scheduling the First Public Budget Workshop/Study Session for Tuesday, March 23, 2021 **(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 A. Nguyen, seconded by Director T. Diep to approve Tuesday, March 23, 2021 for a public budget workshop/study session. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

E. Discuss and Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meeting on Tuesday, April 6, 2021 at 5:30 P.M. to a Special Teleconference Meeting at 5 P.M. due to the COVID-19 Pandemic

(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 C. Nguyen, seconded by Director T. Diep to approve changing the regularly scheduled Board meeting on Tuesday, April 6, 2021 at 5:30 P.M. to a special teleconference meeting at 5 P.M. due to the COVID-19 pandemic. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

A. Local Agency Formation Commission (LAFCO) Proposed and Approved Fiscal Year 2021-22 OC LAFCO Budget and Fee Schedule

B. California Special Districts Association (CSDA) Concurring Nomination Resolution from Jo MacKenzie, Director of Vista Irrigation District

Receive and file.

BOARD CONCERNS/COMMENTS

Director S. Contreras thanked GM K. Robbins for setting up District email accounts for the Board of Directors, and thanked everyone who spoke regarding Item 9B. He asked that staff agendize discussion regarding community outreach in order to have equity in the community. He also asked if the District could provide stickers to be placed on discarded items in the community with the District's phone number and information regarding the bulky item program.

Director C. Nguyen stated that he had questions for clarification regarding Item 5A and would contact Finance/HR Director R. Housley.

Director T. Diep thanked staff for accommodating his request to agendaize Item 9B on the agenda, and thanked the Board for designating himself and Director S. Contreras to work with staff to negotiate something fair and cost-effective for the District. He also stated that with regard to outreach, he is very mindful of the concerns that Director S. Contreras brought up and looks forward to having that discussion when staff brings it back.

President A. Nguyen thanked staff for putting everything together and for their hard work.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that he wanted to address Director S. Contreras' concern with regard to the bulky items. He stated that the District is already picking up a growing amount of bulky items within the community and has already collected over 800 mattresses in 2021. Stickers would be a large expense and a lot of work and the District already has its phone number for that service in numerous places.

GM K. Robbins stated that he would place an item for discussion regarding outreach on the March 23, 2021 budget workshop/study session agenda.

GENERAL COUNSEL CONCERNS/COMMENTS

None

General Counsel, J. Eggart convened the meeting to a closed session at 6:46 P.M. with labor negotiators pursuant to Government Code Section 54957.6, as identified on the agenda as item 14A and noted that the District's designated representatives are listed on the agenda.

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: General Manager Robbins, Finance Director Housley and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

General Counsel J. Eggart reconvened the meeting at 7:37 PM and reported that the Board had met in closed session as identified on Agenda Item No. 14A and that no reportable action had been taken.

ADJOURNMENT

Due to the lack of a quorum, General Counsel J. Eggart adjourned the meeting to Tuesday, March 23, 2021 at 5:00 P.M. at the District office at approximately 7:37 P.M.

Sergio Contreras
Sergio Contreras, Secretary