

**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**

November 15, 2022

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, November 15, 2022 at 5:37 PM.

BOARD MEMBERS PRESENT:

Andrew Nguyen
Sergio Contreras
Chi Charlie Nguyen
Mark Nguyen
Tyler Diep

BOARD MEMBERS ABSENT:

STAFF PRESENT:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
Cynthia Olsder, Executive/Board Secretary

OTHERS PRESENT:

James Eggart, General Counsel
Huy Nguyen, Resident

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 1, 2022

(Roll Call Vote)

A motion was made by Director S. Contreras, seconded by President A. Nguyen, to approve the minutes of the regular meeting of November 1, 2022. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

(Roll Call Vote)

A. Demands in the amount of \$234,720.72

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14121	10/26	1,050.00	Ayala's Car Wash	Washing and cleaning of District's fleet
2	14122	10/26	81.62	Cameron Welding Supply	Oxygen and propane for shop
3	14123	10/26	604.24	Daniels Tire Service	Restock tires for solid waste
4	14124	10/26	1,150.00	Me Viet Nam Productions	30 Minute Talk Show Oct-2022
5	14125	10/26	396.83	Raycom	Microphones and antennas for two way radios
6	14126	10/26	200.00	Resource Communications	Evaluation for new phone system proposal
7	14127	10/26	1,342.56	Standard Insurance Company Life	Life Insurance & AD&D Premiums
8	14128	10/26	240.07	UniFirst Corporation	Employee uniform & laundry services
9	14129	10/26	103.31	Dtntech	Acrylic plaque for Ken's retirement
10	14130	10/27	1,920.65	Daniels Tire Service	Restock tires for solid waste
11	14131	10/27	44,595.41	Dtntech	2023 District Calendar Printing & Mailing
12	14132	10/27	980.00	Stater Bros Market #27	Gift cards for holiday party
13	14133	10/27	287.80	Woodruff, Spradlin & Smart	Legal services Oct-2022
14	14134	10/28	2,000.00	MTTN Studio	Video & photos of compost event
15	14135	11/8	420.00	Advanced Workplace Strategies, Inc.	DOT random drug and alcohol testing
16	14136	11/8	470.00	Ayala's Car Wash	Washing and cleaning of district's fleet
17	14137	11/8	756.80	Betts Truck Parts & Service	Restock suspensions for trash trucks
18	14138	11/8	2,879.53	Bodyworks Equip. Inc.	Harness for NG-5 cylinder
19	14139	11/8	1,766.97	Chevron Texaco (Wex Bank)	Gasoline and diesel fuel
20	14140	11/8	1,755.64	Clean Energy	CNG Station site inspection
21	14141	11/8	800.00	Country City Towing	Tow service for trash trucks
22	14142	11/8	125.00	County of Orange Treasurer-Tax Collector	WEROC emergency radio Q2 cost 10/1- 2/31/22
23	14143	11/8	1,584.00	CRC Cloud	Maintenance & support Oct-2022
24	14144	11/8	1,215.68	Frontier Communications	District office phones & lift stations
25	14145	11/8	112.23	Hose-Man, Inc.	Repair filter for compressor
26	14146	11/8	1,333.56	NVB Equipment, Inc.	AC service for trash trucks
27	14147	11/8	33,842.80	Orange County Sanitation District	Permit Fees Oct-2022
28	14148	11/8	108.75	Orange County Sanitation District	Skills training course
29	14149	11/8	33.90	Pre-Paid Legal Services, Inc.	Prepaid legal Oct-2022
30	14150	11/8	10,998.50	PumpMan	Q2 Lift station pump system maintenance
31	14151	11/8	4,747.89	SDRMA - Employee Benefits	Dental and vision benefits
32	14152	11/8	587.96	Snap-On Tools	Misc. tools for shop
33	14153	11/8	6,969.89	Southern California Edison	District Offices, CNG station, and lift stations
34	14154	11/8	167.10	Staples Business Credit	Restock office supplies for Oct-2022
35	14155	11/8	300.00	Streamline	Website monthly member fee
36	14156	11/8	29.25	Underground Service Alert	Underground dig alerts Oct-2022
37	14157	11/8	488.75	UniFirst Corporation	Employee uniform & laundry services
38			\$ 126,446.69	CHECKS SUBTOTAL	
39					
40				PAYROLL:	MEMO
41	ACH	11/2	\$ 75,662.86	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
42	ACH	11/3	\$ 7,763.59	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
43	ACH	11/4	\$ 7,550.91	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
44	ACH	11/9	\$ 801.00	Nationwide Retirement Solutions	457 Deferred Compensation (Board of Directors)
45			\$ 91,778.36	ACH TRANSFERS SUBTOTAL	
46					
47				ACH PAYMENTS:	MEMO
48	ACH	10/25	\$ 66.00	WEX Health	HRA Monthly Fee for Oct-2022
49	ACH	11/1	\$ 16,429.67	CalPERS	Retirement Contributions for 10/17-10/30/22
50			\$ 16,495.67	ACH TRANSFERS SUBTOTAL	
51					
52			\$ 234,720.72	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
53					
54				BANK TRANSFERS:	
55	UB	10/28	\$ 250,000.00	Transfer Funds from LAIF to Union Bank Checking	
56			\$ 250,000.00	BANK TRANSFERS	

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve the expenditures in the amount of \$234,720.72. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported the move to the trailer was a success, and the building project is expected to be completed in July of 2023. He also reported that the new phone system will be installed the week of Thanksgiving and will be up and running on Friday, December 2, 2022.

Report from the Outreach Committee Meeting on November 3, 2022

Director T. Diep reported that the Committee met to discuss the radio outreach schedule for December.

Report from Orange County Sanitation District Meeting on November 9, 2022

President A. Nguyen reported that OC SAN received the GFOA Excellence in Financial Reporting Award for the past 27 consecutive years. The President also reported that the Westminster Sewer Construction is still on schedule to be completed by the end of 2022.

Report from the District Luncheon on November 10, 2022

President A. Nguyen reported that all of the Directors attended.

Director S. Contreras reported that it was a great opportunity to connect with staff.

CONSENT CALENDAR

(Roll Call Vote)

A. Approve and File the Treasurer's Investment Report for October 2022

B. Approve Request of Solid Waste Driver Robert Mayfield to Receive 40 Hours of Vacation Pay in Lieu of Time Off Due to Hardship

A motion was made by Director C. Nguyen, 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, A. Nguyen, C. Nguyen, M. Nguyen, T. Diep

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS

None

NEW BUSINESS

- A. Consider Approval of a Professional Services Agreement Between the Midway City Sanitary District and Davis Farr LLP to Provide Temporary As-Needed Accounting and Financial Services **(Roll Call Vote)**

A staff report and recommendations were provided and considered by the Board. A motion was made by President A. Nguyen, seconded by Director S. Contreras, to approve the proposed Agreement with Davis Farr, LLP to provide temporary as-needed accounting and financial services. 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 Proposed Job Description and Salary Schedule for the Position of District Engineer and Authorize Recruitment for the Position of District Engineer **(Roll Call Vote)**

A staff report and recommendation were provided and considered by the Board. Finance/HR Director R. Housley stated that this was planned for the future, but the request had to be made sooner due to GM K. Robbins' impending retirement at the end of the year. The District used to have an engineering position, but over time, GM K. Robbins took over those duties. He recommended bringing back the engineering position, given how much the District has grown. He stated that the salary schedule provided is consistent with the industry for a senior level professional with a state license in engineering, according to research.

GM K. Robbins stated that the District has issued over 180 sewer permits this year. As a result of Senate Bill 9, which will allow homeowners to potentially add extra units or even split their existing lot, more work will be required.

Director C. Nguyen suggested that the engineer position doesn't have to be a senior level position.

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to direct Staff to conduct additional research, compare the various types and levels for the engineering role, and bring back a salary comparison between other agencies for the District Engineer position. 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:

C. Discussion and Consideration to Hold a Special Meeting to Hear Legislative Updates presentation by Counsel J. Eggart **(Roll Call Vote)**

A staff report and recommendation were provided and considered by the Board. A motion was made by Director T. Diep, seconded by Director C. Nguyen, to schedule a Special Meeting on December 7, 2022, at 9:00 AM at the District headquarters to hear a presentation from General Counsel J. Eggart regarding new legislation affecting the District. 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:

D. Discuss the Midway City Sanitary District's Swearing in and Reorganization Meeting of the Board Scheduled for Friday, December 2, 2022 with Regard to the Possibility of Election not being Certified by December 2, 2022 **(Roll Call Vote)**

A staff report and recommendation were provided and considered by the Board. A motion was made by Director T. Diep, seconded by Director C. Nguyen, to schedule a Special Meeting on December 9, 2022, at 9:00 AM at the District headquarters for purposes of certification of election results, swearing in of Board Members, and reorganization of the Board. 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:

E. Consider Approval of the Outreach Committee Recommendations **(Roll Call Vote)**

A staff report and recommendation were provided and considered by the Board. A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the recommendations of the Outreach Committee with a change to have President A. Nguyen replace Director T. Diep along with Mike Carey from CR&R to appear on VietLink Radio, and to have Director M. Nguyen and Director C. Nguyen to appear on Me Vietnam Radio. 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:

F. 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 GOVERNMENT CODE SECTION 54953(e) FOR MEETINGS OF THE MIDWAY CITY SANITARY DISTRICT BOARD OF DIRECTORS AND OTHER DISTRICT COMMITTEES SUBJECT TO STATE OPEN MEETINGS LAWS **(Roll Call Vote)**

A motion was made by Director S. Contreras, seconded by President A. Nguyen, to approve adoption of Resolution No. 2022-24. 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:

G. Approval of Updated Rate Schedule for General Counsel Legal Services **(Roll Call Vote)**

A staff report and recommendation were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by President A. Nguyen, to approve the updated Rate Schedule with CPI adjustments over the next five years for General Counsel legal services provided pursuant to the existing Attorney-Client Fee Agreement with Woodruff, Spradlin & Smart, APC. 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:

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

President A. Nguyen thanked the Board and staff for their support.

Each Director offered their condolences to President Nguyen.

GM/STAFF CONCERNS/COMMENT

Staff offered their condolences to President Nguyen.

GM K. Robbins expressed his congratulations to the Directors for being re-elected.

GENERAL COUNSEL CONCERNS/COMMENTS

General Council J. Eggart stated that he had privately offered condolences to President Nguyen and congratulated the Directors on their re-election.

General Council J. Eggart reported that the Fair Political Practices Commission (FPPC) is meeting this Thursday to discuss a requested opinion on whether application of Section 84308, as amended by Senate Bill 1439 and in effect on January 1, 2023, may be based in part on contributions received and proceedings conducted in 2022, before the statutory amendments took effect.

General Council J. Eggart advised the Board that the Agenda included a closed session item for the Board to discuss the General Manager position. The consensus of the Board was to not convene into closed session.

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 EMPLOYMENT / APPOINTMENT
(Government Code Section 54957(b)(1))
Title: General Manager

The Board did not convene into Closed Session.

ADJOURNMENT

President A. Nguyen adjourned the meeting in memory of his wife at 6:33 PM to the next Board meeting to be held at the District on Tuesday, December 6, 2022 at 5:30 PM.

Sergio Contreras
Sergio Contreras, Secretary