

**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**

**EVERYONE WHO ATTENDED THIS HYBRID/TELECONFERENCE MEETING
ATTENDED IN PERSON; HOWEVER, PARTICIPANTS WERE ELIGIBLE TO
ATTEND 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.**

July 6, 2021

CALL TO ORDER

President A. Nguyen called the regular in-person hybrid/teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, July 6, 2021 at 5:34 P.M.

BOARD MEMBERS PRESENT:

Margie L. Rice (absent)
Tyler Diep
Sergio Contreras
Chi Charlie Nguyen
Andrew Nguyen

OTHERS AT MEETING:

Kenneth Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Board Secretary

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JUNE 15, 2021
(Roll Call Vote)**

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the minutes of the regular meeting of June 15, 2021. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: M. Rice

APPROVAL OF EXPENDITURES

A. Demands in the amount of 517,103.40 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	
1				CHECKS:	MEMO
2	12759	5/18	\$ 75.00	Advanced Gas Products	Restock rental acetylene/oxygent for shop use
3	12760	5/18	\$ 97.78	AT&T Mobility	Cell Phone Service
4	12761	5/18	\$ 1,939.50	Atlas Tarps & Parts, Inc	Restock hydraulic pump for trucks
5	12762	5/18	\$ 785.00	Ayala's Car Wash	Fleet vehicle wash 5/10 & 5/17
6	12763	5/18	\$ 5,253.47	Bodyworks Equipment, Inc	Restock parts for trucks
7	12764	5/18	\$ 254.50	Cintas	Employee uniform services for 5/13
8	12765	5/18	\$ 84.94	City of Westminster	District Offices & wash Rack 04/16/2021-05/14/2021
9	12766	5/18	\$ 489.38	CRC Cloud	Laptop for admin
10	12767	5/18	\$ 909.68	Daniel's Tire Service	(4) Restock recap tires of Solid Waste trucks
11	12768	5/18	\$ 7,299.33	SoCalGas	CNG Station, District offices, mechanics shop, and wash rack
12	12769	5/18	\$ 65.00	SoCalGas	District offices, mechanics shop & wash rack
13	12770	5/18	\$ 337.52	Haaker Equipment Company	Diagnostic labor shop supplies for M-64
14	12771	5/18	\$ 77.00	Hillco Fastener Warehouse Inc	Restock washer, lock-nuts and bolts
15	12772	5/18	\$ 420.00	Merchants Building Maintenance, LLC	Enhanced cleaning services 05/11/21
16	12773	5/18	\$ 310.00	NVB Equipment, Inc	Camera system inspection for NG-15
17	12774	5/18	\$ 150.00	Purchase Power	Postange for May 2021
18	12775	5/18	\$ 191.18	SoCal Auto & Truck Parts, Inc	Restock tailgate seal hose for trucks
19	12776	5/18	\$ 275.26	South Coast AQMD	AQMD Fee July 2020 through June 2021 for generators
20	12777	5/18	\$ 1,349.00	Time Warner Cable	Internet service from 05/09/21-06/08/21
21	12778	5/18	\$ 419.40	TEC of California, Inc	Restock filters & replacement studs & nuts for NG-6
22	12779	5/18	\$ 946.78	Tell Steel	Restock flooring material for Solid Waste trucks
23	12780	5/18	\$ 3,829.07	Truck Gears Incorporated	Replacement differential for NG-6
24	12781	5/18	\$ 44.75	TrucPar Company	Earplugs for shop use
25	12782	5/18	\$ 4,029.00	Anchors Builders, Inc.	OSCD Fee & Permits refund for collection fes Permit # 6777
26	12783	5/18	\$ 1,939.00	Edwin & Nancy Garcia	OSCD Fee & Permits refund for collection fes Permit # 6780
27	12784	5/18	\$ 4,029.00	Giau Huynh	OSCD Fee & Permits refund for collection fes Permit # 6776
28	12785	5/18	\$ 4,029.00	Hung Huynh	OSCD Fee & Permits refund for collection fes Permit # 6767
29	12786	5/18	\$ 4,029.00	Danny Luu	OSCD Fee & Permits refund for collection fes Permit # 6764
30	12787	5/18	\$ 4,029.00	Theodus Nguyen	OSCD Fee & Permits refund for collection fes Permit # 6744
31	12788	5/18	\$ 4,029.00	De That Ton	OSCD Fee & Permits refund for collection fes Permit # 6767
32	12789	5/18	\$ 4,029.00	Theresa Tran	OSCD Fee & Permits refund for collection fes Permit # 6781
33	12790	5/18	\$ 945.00	Mark Varness	OSCD Fee & Permits refund for collection fes Permit # 6775
34	12791	5/24	\$ 341.70	AT&T	Brookhurst Lift Station Phone & Internet
35	12792	5/24	\$ 678.28	Cameron Welding Supplies	Shop material for cutting and welding
36	12793	5/24	\$ 261.10	Cintas	Uniform Services for 5/20
37	12794	5/24	\$ 540.00	Clean Energy	Shop material for cutting and welding
38	12795	5/24	\$ 91,488.03	CR Transfer	Residential Waste&Organic Tonnage Fees 05/01/21-05/15/21
39	12796	5/24	\$ 33.90	Legal Shield	Prepaid legal & theft svcs. May 2021
40	12797	5/24	\$ 419.37	SoCal First Aid & Safety	Restock first aid kits
41	12798	5/24	\$ 457.40	TrucPar Company	Restock fittings for Solid Waste trucks
42	12799	5/24	\$ 4,029.00	Abraham and Erika Jimenez	OSCD Fee & Permits refund for collection fes Permit # 6779
43	12800	5/24	\$ 4,029.00	Cong Nguyen	OSCD Fee & Permits refund for collection fes Permit # 6752
44	12801	5/25	\$ 73.27	Daniel's Tire Service	Restock (2) tire repairs Solid Waste
45	12802	5/25	\$ 1,199.01	Frontier Communications	District Office Phoness & Lift Stations
46	12803	5/25	\$ 207.42	Hillco Fastener Warehouse Inc	Restock bolts & nuts for Solid Waste trucks
47	12804	5/25	\$ 228.38	Snap-on Tools	Repairs for 210 charger for Shop

48	12805	5/25	\$ 4,394.57	Southern California Edison	District Offices, CNG Station and Lift Stations
49	12806	5/25	\$ 74.31	Time Warner Cable	Television service
50	12807	5/25	\$ 1,226.48	Standard Insurance Company	Life Insurance & AD&D Premium Coverage
51	12808	5/25	\$ 1,889.72	TEC of California, Inc	Restock brake pads and valves for Solid Waste trucks
52	12809	5/25	\$ 524.27	TrucPar Company	Misc. restock parts for shop equip. & hydraulic hose
53	12810	5/25	\$ 480.00	Westminster Herald	Notice in paper 05/13/21 & 05/20/21 of Public Hearing
54			\$ 169,265.75	ACH TRANSFERS SUBTOTAL	
55					
56				PAYROLL	
57	ACH	5/18	\$ 65,627.43	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
58	ACH	5/18	\$ 4,476.79	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
59	ACH	5/18	\$ 835.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
60			\$ 70,939.22	ACH TRANSFERS SUBTOTAL	
61					
62				ACH PAYMENTS	
63	ACH	5/18	\$ 14,982.07	CalPERS	Retirement Contributions for 05/03/2021-05/16/201
64	ACH	5/18	\$ 4,936.33	CalPERS	Board of Directors Health Insurance Premiums for June 2021
65	ACH	5/18	\$ 54,521.18	CalPERS	Active Employee and Retiree Health Ins Premiums June 2021
66			\$ 74,439.58	ACH TRANSFERS SUBTOTAL	
67					
68			\$ 314,644.55	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
69					
70				BANK TRANSFERS	
71	UB	5/14	\$ 750,000.00	Transfer Funds from UB Checking Account to CALIRU	Transfer funds to CalTrust Contingency Rescue
72	UB	5/14	\$ 390,000.00	Transfer Funds from UB Money Market to UB Checking Account	

A motion was made by Director C. Nguyen, seconded by President A. Nguyen to approve the expenditures in the amount of \$ 517,103.40. The motion was approved by the following 3-0-1 roll call vote:

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

NAYS:

ABSTAIN: T. Diep

ABSENT: M. Rice

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported that due to the 4th of July holiday and a mistake on the District's calendar, there were containers that were missed but that the District was going back to service those. He stated that in the future, the District would have people refer to the website for the latest news and updates instead of the calendar, for any holiday closures or delays.

GM K. Robbins reported that there was a gas leak at the District from a hose on NG-1 which sent off a sensor on the morning of July 6. The fire department was called out by a resident. The new hose has already been ordered and the truck will be up and running by the end of the week.

GM K. Robbins stated that he would be starting his vacation at the end of the week.

Report from the Orange County Sanitation District Meeting on June 23, 2021

President A. Nguyen reported that John Withers from Irvine is the new Board chairman. There was discussion of compost outreach, member agencies and how to comply with SB1383 via outreach, approval of their budget, and OC San renewed their discharge permit and received an award for outstanding clean water.

Report from the Staff Appreciation Luncheon on June 16, 2021

Directors T. Diep, C. Nguyen and President A. Nguyen attended the staff appreciation luncheon and all commented that it went well and they enjoyed it as it would be the last for a while until the District's groundbreaking ceremony.

Report from the Clean Up Event at Cloverdale Park on June 19, 2021

Directors S. Contreras, C, Nguyen, T. Diep and President A. Nguyen all attended and felt that it was a worthwhile event.

Report from the 2021 Waste Expo in Las Vegas, Nevada – June 28-July 1, 2021

Director C. Nguyen and President A. Nguyen attended and were happy to see the new products and technology but were disappointed that overall it did not compare to the event two years ago.

Report from Outreach Committee Meeting to Discuss the District's Groundbreaking Event on June 25, 2021

Directors S. Contreras reported that he and Director T. Diep met to discuss the District's groundbreaking event and that it was a productive meeting.

Director T. Diep stated that he looked forward to presenting some of their ideas to the Board for their approval and that there would be further discussion during item 9D.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

A. Approval of 2021-2024 Memorandum of Understanding (MOU) Between the Midway City Sanitary District and American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO 1734-01 **(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 S. Contreras, seconded by Director T. Diep, to approve the three-year Memorandum of Understanding (MOU) between the Midway City Sanitary District and AFSCME AFL-CIO Local 1734-01. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: M. Rice

B. Approval of Change Order #1 from Rengel Architects for Design and Engineering Fire Sprinkler System, Relocation of On-Property Fire Hydrant and Water Quality Management Plan for New Office Building, New Archive Building, Locker Rooms, and Solar Equipment at the Midway City Sanitary District, Westminster, CA **(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 S. Contreras, seconded by Director T. Diep, to approve change order #1 from Rengel Architects in the amount of \$33,035.00. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: M. Rice

C. Discussion and Consideration of Hiring Townsend Public Affairs Inc. to Obtain Available Funding Opportunities for the Midway City Sanitary District's New Solar Project **(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 T. Diep, seconded by Director S. Contreras, to approve of hiring Townsend Public Affairs Inc. and go with option #2 which is a flat fee of \$7,500 per project, and is not based on the size of the grant the District may receive, and to authorize the General Manager to sign the agreement. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: M. Rice

D. Discussion and Consideration of Holding an Open House and Groundbreaking Ceremony this Summer at the District
(Roll Call Vote)

Director S. Contreras stated that there is an opportunity to host an event to educate residents during a groundbreaking/open house event. It was agreed that it should be held during the summer-sometime in September in the early evening, and in order to target two different parts of the community (east side and west side) make it a two-day event, and to include food and live music.

Director T. Diep stated that they are proposing to fill a void that has been left by the City and would be an opportunity for the District to bring the community together and to educate its constituents, so they have made some suggestions for the Board to consider for the event.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director T. Diep, seconded by Director C. Nguyen, to create two separate sub-committees – one consisting of Directors S. Contreras and A. Nguyen for the west side of the District and another consisting of Directors T. Diep and C. Nguyen for the East side of the District, to work with Staff liaison Administrative Secretary/Human Resources Coordinator, Leanne Luu for the planning of the events, and to tentatively plan for the events to take place on Saturday, September 11 and Sunday, September 12, 2021. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: M. Rice

E. Consider Approval for the Midway City Sanitary District to Hire One Utility/Relief Driver
(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 S. Contreras, seconded by President A. Nguyen, to approve for the District to hire one new Utility/Relief driver for the District. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: M. Rice

F. Discuss and Consider the California Special Districts Association (CSDA) Board of Directors Election Ballot – Term 2022-2024; Seat A – Southern Network
(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 T. Diep, seconded by Director C. Nguyen, to support Jo MacKenzie from Vista Irrigation District for the CSDA Board of Directors' election ballot for the term 2022-2024, Seat A, Southern Network. The motion was approved by the following 4-0 roll call vote:

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

INFORMATIONAL ITEMS

- A. Rose Center 15 Year Anniversary Event – July 2021
- B. ISDOC Quarterly Meeting via Zoom, Thursday, July 29, 2021, 11:30 AM-1PM
- C. EPA Letter to the Chemical Sector Partners re: Water Sector Supply Chain

Receive and file.

BOARD CONCERNS/COMMENTS

Director T. Diep stated that he wished to commend District's represented employees for being cooperative and agreeing on the new three-year MOU.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that, with the approved MOU, management would meet with lead workers on Wednesday and explain any changes.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel, J. Eggart informed the Board that the District had been served with a federal lawsuit that relates to a sewer line in Garden Grove in an area that the District no longer manages. He advised the Board that his firm is conflicted out of it since they represent the District and the City of Garden Grove, and both are named as defendants

in the lawsuit. He stated that GM K. Robbins has contacted SDRMA, who is the District's insurer, and SDRMA has appointed counsel and that GM K. Robbins will be talking to them.

GM K. Robbins stated that it was initially reported to the Board in January of 2021 that this sewer line was transferred over during the reorganization during the 90's.

General Counsel J. Eggart convened the meeting to a closed session at 6:35 P.M. to discuss the item identified on the agenda as Item 14A and noted that the District's designated representatives for labor negotiations 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 Representative: President Andrew Nguyen, President Pro-Tem Charlie Nguyen and General Counsel James Eggart
Unrepresented Employee: General Manager

President A. Nguyen reconvened the open session portion of the meeting at 6:43 P.M.

General Counsel J. Eggart reported that the Board had met in closed session to discuss the item as identified on Agenda Item No. 14A and that no reportable action had been taken.

ADJOURNMENT

President A. Nguyen adjourned the meeting to Tuesday, July 20, 2021 at 5:30 P.M. at the District office at approximately 6:43 P.M.

Sergio Contreras
Sergio Contreras, Secretary