

**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.**

December 1, 2020

CALL TO ORDER

President C. 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, December 1, 2020 at 5:00 P.M.

BOARD MEMBERS PRESENT:

Margie L. Rice (via teleconference)
Andrew Nguyen (via teleconference)
Sergio Contreras (via teleconference)
Chi Charlie Nguyen (via teleconference)

OTHERS AT MEETING:

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

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF NOV. 17, 2020 (Roll Call Vote)

A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve the minutes of the special meeting of November 17, 2020. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 263,956.31 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	MEMO
1				CHECKS:	
2	11930	11/18	\$ 4,625.00	City of Westminster	City Plan check review fee for building and solar project
3	11931	11/18	\$ 483.75	Orange County Fire Authority	OC Fire plan review fee for building and solar project
4	11932	11/18	\$ 96.39	AT&T Mobility	Cell Phone Service for Nov 2020
5	11933	11/18	\$ 985.00	Ayala's Car Wash	Fleet wash 11/9
6	11934	11/18	\$ 733.67	Bodyworks Equipment, Inc.	Restock electrical rocker switches, and hydraulic hose tray kit
7	11935	11/18	\$ 261.41	Cintas	Uniform Services for 11/12
8	11936	11/18	\$ 30.00	City of Westminster - FARP	Annual renewal of alarm permit fee
9	11937	11/18	\$ 56.23	City of Westminster	Hydrant Water Service for Nov 2020
10	11938	11/18	\$ 11,938.00	CR&R Incorporated	Tonnage fees for MCSD clean up event on Oct 10, 2020 at 21st and Hoover
11	11939	11/18	\$ 132.68	Cummins Sales & Service	Restock rocker level seals
12	11940	11/18	\$ 1,689.88	Daniels Tire Service	Restock new front tires for solid waste trucks
13	11941	11/18	\$ 6,866.92	SoCalGas	CNG Station, District offices, mechanics shop, and wash rack for Oct 2020
14	11942	11/18	\$ 69.52	Miguel Jimenez	Workboot reimbursement
15	11943	11/18	\$ 150.00	Purchase Power	Postage for Nov 2020
16	11944	11/18	\$ 318.50	Rutan & Tucker, LLP	Legal Services for Oct 2020
17	11945	11/18	\$ 3,902.98	SDRMA	Dental & Vision Insurance Premiums for Dec 2020
18	11946	11/18	\$ 375.23	Tec of California, Inc.	Replacement of air tank compressor for NG15
19	11947	11/18	\$ 1,855.38	Verizon	Internet Connection for Sep 2020
20	11948	11/18	\$ 3,767.50	Woodruff, Spradlin & Smart	General Counsel Legal Services for Oct 2020
21	11949	11/20	\$ 125,000.00	CalPERS	Investment Contribution to CEPPT trust fund for retirement benefits
22	11950	11/20	\$ 78.39	Advanced Gas Products	Restock oxygen for shop and liquid propane for forklift
23	11951	11/20	\$ 325.66	AT&T	Brookhurst Lift Station Nov 2020
24	11952	11/20	\$ 450.00	Ayala's Car Wash	Fleet wash 11/16
25	11953	11/20	\$ 261.41	Cintas	Uniform Services for 11/19
26	11954	11/20	\$ 2,316.12	Daniels Tire Service	Restock recap tires for solid waste trucks
27	11955	11/20	\$ 987.08	Hose-Man, Inc.	Restock hydraulic hoses and clamps
28	11956	11/20	\$ 245.23	Snap-On Tools	Torx wrench set for mechanics shop and service truck
29	11957	11/20	\$ -	Voided Check	Printer malfunction
30	11958	11/20	\$ 198.37	Tec of California, Inc.	Restock 1 alternator for solid waste trucks & 1 replacement for NG7
31	11959	11/20	\$ 119.00	Remington Pure	Nov 2020 Water Filtration
32	11960	11/20	\$ 180.82	City of Westminster	Water services for District offices and wash rack for 09/23/20-11/17/20
33			\$ 168,500.12	CHECKS SUBTOTAL	
34					
35				PAYROLL	
36	ACH	11/17	\$ 75,904.58	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
37	ACH	11/17	\$ 2,130.00	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
38	ACH	11/17	\$ 560.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
39	ACH	11/17	\$ 1,000.00	Nationwide Retirement Solutions	457 Catch Up (100% paid by employees)
42			\$ 79,594.58	ACH TRANSFERS SUBTOTAL	
43					

43					
44					ACH PAYMENTS
45	ACH	11/17	\$	15,861.61	CalPERS Retirement contributions for 11/02/2020-11/15/2020
46			\$	15,861.61	
47					ACH TRANSFERS SUBTOTAL
48			\$	263,956.31	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)
49					
50					BANK TRANSFERS
51	LAIF	11/16	\$	500,000.00	Transfer Funds from UB Checking to LAIF
52	UB	11/16	\$	1,000,000.00	Transfer Funds from UB Money Market to UB Checking

A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$263,956.31. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

President C. Nguyen stated that the swearing in for re-elected and newly-elected Directors would take place at noon at the District during the employee holiday luncheon.

Report of General Manager

GM K. Robbins reported that one of the District's solid waste drivers would be retiring in February of 2021 so the District will be hiring a replacement for him.

GM K. Robbins reminded the Board of the COVID-style employee holiday luncheon on Wednesday, December 2 at noon at the District office. He stated that there would be no tables or chairs because the District did not want to encourage gathering in numbers and that to-go boxes would be provided for the food. He stated that re-elected President C. Nguyen and newly elected Director Tyler Diep would be sworn in sometime during the luncheon.

GM K. Robbins stated that PumpMan had to be called out to fix a switch at the Brookhurst and Westminster lift stations over the Thanksgiving weekend. Tesco also had to be called out to get the SCADA equipment back online at the Hammon station and a router may need to be replaced although the autodialers are still working and effective.

GM K. Robbins reminded the Board of the reorganization meeting on Friday, December 4, 2020 at 1 P.M. He stated that there would first be a resolution certifying the election, and then General Counsel James Eggart would take over to ask for nominations for the Board President. Once the new Board President is selected, that person will take over for the remainder of the meeting.

Report from the Orange County Sanitation (OCSD) Meeting on Nov. 18, 2020

Director A. Nguyen reported that 14 employees tested positive for COVID-19 and three from the construction project, but that most are okay and back to work already. He stated that OCSD has submitted a FEMA funding request totaling \$188,000 for COVID-19 relief and that 9 Directors have been termed out or are losing their seats.

Report from the Clean Up Event at Buckingham Park on Nov. 21, 2020

Directors A. Nguyen and C. Nguyen attended the clean up event and stated that it went quickly and smoothly.

GM K. Robbins agreed and stated that the District collected 36 mattresses and about a ton and a half of metal as well as filling 4 large bins.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

A. Consider Approval of the Professional Services Agreement with IB Consulting, LLC for a Cost of Service Rate Study to Evaluate and Provide Recommendations Regarding the District's Fees and Rate Structures for Sewer Services and Residential Solid Waste Services and Authorize the General Manager to Sign the Agreement ***(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 C. Nguyen, seconded by Director M. Rice, to approve staff recommendation to approve the agreement with IB Consulting, LLC for a cost of service rate study to evaluate and provide recommendations regarding the District's fees and rate structures for sewer services and residential solid waste services, and authorize the General Manager to sign the agreement. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Consider Approval of Amendment No. 1 with Shuster Advisory, LLC for Independent Advisory Services of the District's 457(b) Retirement and Omnibus Budget Reconciliation Act (OBRA) Plans and Authorize the General Manager to Sign the Amendment
(Roll Call Vote)

Finance/HR Director R. Housley stated that Shuster Advisory Group, LLC is the fiduciary that the Board selected to oversee the District's 457 employee's retirement plan, and that initially the District had an agreement with them to review the plan and make some changes. He stated that this amendment has been brought to the Board for two reasons – their name has been changed from SFG Retirement Plan Consulting to Shuster Advisory, and the agreement has a few other minor changes to realign the current services they provide to the District. He stated that the Board was provided with the original agreement as well as a copy of the changes made to that agreement, which was reviewed by staff and General Counsel.

Director M. Rice stated that she did not understand the changes to the agreement.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by President C. Nguyen, seconded by Director A. Nguyen to approve Amendment No. 1 with Shuster Advisory, LLC for Independent Advisory Services of the District's 457(b) Retirement and Omnibus Budget Reconciliation Act (OBRA) Plans and to authorize the General Manager to sign the amendment. The motion was not approved due to the following 2-2 roll call vote:

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

A second motion was made by President C. Nguyen, seconded by Director M. Rice to bring the amendment back to the next regular meeting on December 15, 2020, with the red-lined changes clarified and to have someone from Shuster Advisory, LLC present to explain the changes made. The motion was not approved due to the following 4-0 roll call vote:

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

C. Discuss and Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meeting on Tuesday, December 15, 2020 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 President C. Nguyen, seconded by Director S. Contreras to approve changing the Midway City Sanitary District's regularly scheduled Board meeting on Tuesday, December 15, 2020 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 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

Director M. Rice asked if there would be a holiday gift exchange between the Board and staff members this year or would the District be forgoing that tradition.

GM K. Robbins confirmed that the District would be forgoing the holiday gift exchange due to the COVID-19 pandemic, but that the Board and Staff had been gifted the Board approved items of See's Candy and Stater Brothers gift cards, as well as pullover shirts.

Director S. Contreras asked for clarification as to the time of the luncheon and swearing in on Wednesday, December 2, 2020, and whether it was an actual meeting with roll call.

General Counsel James Eggart stated that to his knowledge the meeting was not agendaized and that the swearing in would not be a formal ceremony.

GM K. Robbins confirmed that it was not a posted meeting, and that it was an employee holiday luncheon, but that the new Directors would be sworn in at that time.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that the office building project plans were at the City for the Planning Department but were being delayed due to the current shut down due to a case of COVID-19.

Director of Finance/Human Resources, R. Housley thanked the Board for approving the agreement with IB Consulting and stated that he appreciated Director M. Rice's concerns and comments regarding the amendment to the agreement with Shuster Advisory, LLC.

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.

None

ADJOURNMENT

President C. Nguyen adjourned the meeting to Friday, December 4, 2020 at 1:00 P.M. at the District office at approximately 5:39 P.M.

Sergio Contreras
Sergio Contreras, Secretary