

**MIDWAY CITY SANITARY DISTRICT
REGULAR MEETING
BOARD OF DIRECTORS
DISTRICT OFFICE
14451 CEDARWOOD STREET
WESTMINSTER, CA**

**Tuesday, August 1, 2023
5:30 P.M.**

AGENDA

OUR MISSION STATEMENT

THE BOARD OF DIRECTORS AND EMPLOYEES OF THE MIDWAY CITY SANITARY DISTRICT WORK DILIGENTLY TO PROVIDE SEWER AND SOLID WASTE SERVICES TO THE RESIDENTS OF THE DISTRICT. OUR TOP PRIORITY IS TO ACCOMPLISH THIS IN AN ETHICAL, EFFICIENT, AND COST-EFFECTIVE MANNER THAT WILL PROTECT THE HEALTH AND SAFETY OF THOSE WE SERVE.

In accordance with the requirements of California Government Code Section 54954.2, this Agenda is posted not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Board Secretary.

In the event any matter not listed on this agenda is proposed to be submitted to the Board for discussion and/or action, it will be done in compliance with Section 54954.2, or as set forth on a Supplemental Agenda posted not less than 72 hours prior to the meeting.

Please Note: The District complies with the provisions of the Americans with Disabilities Act (ADA). Anyone needing special assistance please contact the District's Secretary at (714) 893-3553, at least one business day prior to the meeting so that we may accommodate you.

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE AND INVOCATION**
- 2. ROLL CALL AND DECLARATION OF QUORUM**
- 3. PUBLIC COMMENTS**

All persons wishing to address the Board on specific Agenda items or matters of general interest should do so at this time. As determined by the President, speakers may be deferred until the specific item is taken for discussion and remarks may be limited to three (3) minutes.

4. APPROVAL OF THE MINUTES

- A. Approval of the Minutes of the Regular Meeting on July 18, 2023

5. APPROVAL OF EXPENDITURES

- A. Approval of Demands in the Amount of \$1,327,564.52

6. REPORTS

The President, General Manager, Legal Counsel, and other staff present verbal reports on miscellaneous matters of general interest to the Directors. These reports are for information only and require no action by the Directors.

- A. Report of President
- B. Report of General Manager
- C. Report from the Building Project Ad Hoc Committee Meeting on July 18, 2023
- D. Report from the Westminster Safety Day at Sigler Park on July 19, 2023
- E. Report from the Compost Event on July 22, 2023
- F. Report from the District Employee Luncheon on July 26, 2023
- G. Report from OC SAN District Regular Meeting on July 26, 2023

7. CONSENT CALENDAR

None

8. OLD BUSINESS

None

9. NEW BUSINESS

- A. Discuss and Approve Recognition for Midway City Sanitary District Employees at Holiday Event
- B. Approval of Printer for 2024 Midway City Sanitary District Calendar

10. INFORMATIONAL ITEMS

- A. Westminster 2nd Annual Fall Festival September 22-24, 2023

11. BOARD CONCERNS/COMMENTS

12. GM/STAFF CONCERNS/COMMENTS

13. LEGAL COUNSEL CONCERNS/COMMENTS

14. CLOSED 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

15. ADJOURNMENT TO TUESDAY, AUGUST 15, 2023

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

July 18, 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 Street, Westminster, California on Tuesday, July 18, 2023 at 5:30 PM.

BOARD MEMBERS PRESENT:

Tyler Diep
Andrew Nguyen
Chi Charlie Nguyen
Mark Nguyen

STAFF PRESENT:

Robert Housley, General Manager
Nick Castro, Director of Operations/Safety
Milo Ebrahimi, Engineer P.E.
Cynthia Olsder, Executive/Board Secretary

BOARD MEMBERS ABSENT:

Sergio Contreras

OTHERS PRESENT:

James H. Eggart, Legal Counsel Woodruff & Smart
Diann Pay, P.E. AKM Consulting Engineers
Jon Nitta, P.E. AKM Consulting Engineers

PLEDGE AND INVOCATION

General Manager R. Housley led the Pledge of Allegiance. Director M. Nguyen gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON JUNE 27, 2023

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to approve the minutes of the Regular Meeting on June 27, 2023. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$1,297,783.27.

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14712	6/9	3,000.00	Vietnamese Cultural House	Little Saigon 35th Anniversary Sponsorship
2	14713	6/15	25,339.50	AKM Consulting Engineers, Inc.	05/26/23 Westminster mall project 05/01 - 05/26/23
3	14714	6/15	9,188.83	Alignment Express of CA, Inc.	Suspension repairs NG-2
4	14715	6/15	452.84	AT&T Mobility (First Net)	May-2023
5	14716	6/15	980.00	Ayala's Car Wash	Fleet Wash June 2023 1 of 2
6	14717	6/15	500.00	Country City Towing	Tow service NG-2
7	14718	6/15	2,798.06	Daniels Tire Service	Restock tires (12)
8	14719	6/15	10,188.75	Davis Farr LLP	Accounting Assistance Apr-2023
9	14720	6/15	24.35	Hillco Fastener Warehouse Inc.	Bolts and washers NG-6
10	14721	6/15	538.44	Motion and Flow Control Products, Inc.	Hydraulic fittings (15)
11	14722	6/15	3,012.11	NVB Equipment, Inc.	A/C repairs NG-1 Camera repairs NG-13
12	14723	6/15	201.00	Pitney Bowes/Purchase Power	Postage for Jun-2023
13	14724	6/15	46.76	PSI	Spray Gun Wash Rack
14	14725	6/15	1,475.00	Radio Bolsa Corp.	Radio talk shows (3) 20Min 05/15,18,23
15	14726	6/15	54.00	Safety-Kleen Systems, Inc.	Used Oil MCSD fleet (225)
16	14727	6/15	48,112.60	Sierra Container Group, LLC	Blue Cart 65Gal (384) 95Gal (351)
17	14728	6/15	14,869.19	TEC Of California, Inc.	Rear end differential NG-6 Hub Assembly (1) Spiral Kit (1) NG-9 Core Deposit
18	14729	6/15	282.16	UniFirst Corporation	June - 2023
19	14730	6/15	2,062.50	VNCR	Radio talk show 15 min (5) 05/19/23 - 06/01/23
20	14731	6/22	595.58	AT&T (Brookhurst Lift Station)	Brookhurst Jun-2023
21	14732	6/22	540.00	Ayala's Car Wash	Fleet Wash June 2023 2 of 2
22	14733	6/22	1,696.75	Chevron Texaco (Wex Bank)	Fleet Fuel
23	14734	6/22	84.94	City of Westminster Hydrant	Hydrant Water Service Jun-2023
24	14735	6/22	2,418.63	CRC Cloud	Computer for GM (1)
25	14736	6/22	1,078.76	Daniels Tire Service	Restock tires (15)
26	14737	6/22	23.69	Dartco Transmission Sales & Svcs.	Transmission fill tube (4)
27	14738	6/22	1,188.00	ehs International, Inc	Confined space entry training 06/19/2023
28	14739	6/22	263.34	Hillco Fastener Warehouse Inc.	Bolts and locknuts for Kingpin tool
29	14740	6/22	846.54	Motion and Flow Control Products, Inc.	Hydraulic fittings (10) Lift Arm Hydraulic kit (1)
30	14741	6/22	893.60	Phu Le Troung	Permit 7224
31	14742	6/22	980.00	RMS	Semi-annual gas detection system calibration
32	14743	6/22	241.86	Robert Krauss	Permit 7216
33	14744	6/22	220.50	Rutan & Tucker, LLP	Legal Services May-2023
34	14745	6/22	246.40	SoCal Auto & Truck Parts, Inc.	Lubricant and brake cleaner
35	14746	6/22	1,349.00	Spectrum Enterprise (Time Warner Cable)	Jun-2023
36	14747	6/22	233.97	Tony Tran	Permit 7222
37	14748	6/22	564.32	UniFirst Corporation	June - 2023
38	14749	6/22	407,879.60	Woodcliff Corporation - Contractor	Building Project Pay App # 8 May-2023
39	14750	6/22	21,467.35	Woodcliff Corporation - Escrow Account	Building Project #8 May-2023 - Retention Payment
40	14751	6/22	11,778.00	Woodruff & Smart	Legal Services May-2023
41	14752	6/22	25.94	SoCalGas	Maint. Shop & Wash Rack Jun-2023
42	14753	6/29	5,675.00	ADS Corp.	Westminster Mall Flow Monitor 06/01-30/2023
43	14754	6/29	616.52	Clean Energy	CNG Station Service 04/17/23 05/09/23
44	14755	6/29	104.95	CRC Cloud	Faststone Software License GM
45	14756	6/29	461.34	Daniels Tire Service	Recap tires (2)
46	14757	6/29	617.60	Frontier Communications	Pump Station May 2023
47	14758	6/29	132.61	Hillco Fastener Warehouse Inc.	Heil Lift Arm Bolts(30) Locknuts (11)
48	14759	6/29	325.00	Kenneth J. Robbins Jr.	Engineer Consulting 06/22/23 (1.5) 06/27/23 (1)
49	14760	6/29	20,716.21	Orange County Sanitation District	MCSD May Permit Fees 2023
50	14761	6/29	6,603.48	Paulus Engineering, Inc.	Sinkhole Repair 6182 Shawnee Rd Sewer Line 05/15/23 05/19/23 06/16/23

51	14762	6/29	77.80	Petty Cash - Robert Housley	Petty Cash Jun-2023
52	14763	6/29	288.81	Plumbers Depot Inc.	Extension nozzles (2)
53	14764	6/29	595.00	RMS	Methane System Alarm Service 03/10/23 (4hours)
54	14765	6/29	285.00	Shannon Frost	EE Education Reimbursement
55	14766	6/29	10,237.65	Southern California Edison	June - 2023
56	14767	6/29	98.02	Spectrum Enterprise (Time Warner Cable)	Jun-2023
57	14768	6/29	282.16	UniFirst Corporation	June - 2023
58	14769	7/6	0.00	Void check	VOID: Spoiled ck 14769
59	14770	7/6	196.02	City of Westminster-Water Billing	Wash Rack 03/08 - 06/27/23 District offices 05/03-06/27/23
60	14771	7/6	2,910.00	Commerford Inspection, Inc.	Masonry, Epoxy, Material, Grout, Concrete Inspections 05/16-06/21/23
61	14772	7/6	9,832.50	Davis Farr LLP	Accounting Assistance May-2023
62	14773	7/6	317.82	Frasco, Inc.	Employment screening S. Cox
63	14774	7/6	30,348.27	Orange County Sanitation District	Permit Fees Jun-2023
64	14775	7/6	33.90	Pre-Paid Legal Services, Inc.	Prepaid legal Jun-2023
65	14776	7/6	15,717.50	Rengel + Company Architects, Inc	Bldg Proj Mgt Jun-2023
66	14777	7/6	504.91	South Coast Air Quality Management Dist.	I C E Generator - Diesel 14451 Cedarwood St.
67	14778	7/6	231.01	Staples Business Credit	Office Supplies Jun-2023
68	14779	7/6	1,104.08	Tesco Controls, Inc.	SCADA Willow LS Flow Meter Svc 05/31/23 (5)
69	14780	7/6	32.75	Underground Service Alert	Underground Dig Alerts Jun-2023 (13)
70	14781	7/6	1,800.00	Viet Lnk Radio	Radio outreach (5) 06/21 - 07/02
71	14782	7/6	1,990.00	CRC Cloud	Maintenance & Support Jul-2023
72	14783	7/6	254.48	Pitney Bowes Global Financial Services	Postage Machine 07/10 - 10/09/23
73	14784	7/6	4,383.57	SDRMA - Employee Benefits	JUL - 2023
74	14785	7/6	160.35	South Coast Air Quality Management Dist.	FY23-24 Flat Fee for Fiscal Year Emissions
75	14786	7/6	1,422.16	Standard Insurance Company Life	Jul - 2023
76	14787	7/6	3,600.00	Streamline	Website hosting 07/01/23 - 07/01/24
77	14788	7/6	18,000.00	WEX Health Inc - Reserve Account	Reserve Funds for HRA 07/23 - 12/23
78			\$ 717,699.33	CHECKS SUBTOTAL	
79					
80				PAYROLL:	MEMO
81		6/14	90,078.06	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
82		6/21	5,851.39	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
83		6/28	86,497.62	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
84		6/30	5,743.30	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
85		7/7	846.00	Nationwide Retirement Solutions	457 Deferred Compensation (Board of Directors)
86		7/7	7,939.13	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
87			\$ 196,955.50	ACH TRANSFERS SUBTOTAL	
88					
89				ACH PAYMENTS:	MEMO
90		6/14	456.55	Paychex	Time & Attendance
91		6/16	16,573.42	CalPERS-Retirement	Retirement Contribution for 05/29/23 - 06/11/23
92		6/16	250,000.00	CalPERS	FY23 CEPPT Contribution
93		6/20	366.45	Paychex	Time & Attendance
94		6/26	72.00	WEX Health Inc	Monthly HRA Admin Fee May- 2023
95		6/28	17,041.72	CalPERS-Retirement	Retirement Contribution for 06/12/23 - 06/25/23
96		6/28	456.54	Paychex	Time & Attendance
97		6/29	22,886.94	US Bank Corporate Payment System	Credit Card Expenses Jun-2023
98		7/3	1,656.48	US Bank Corporate Payment System	Credit Card Expenses at 6/30/2023
99		7/6	66,413.32	CalPERS - Health Benefits	July 2023 Employees
100		7/6	6,874.74	CalPERS - Health Benefits	July 2023 Board of Directors
101		7/7	330.28	Paychex	Time & Attendance
102			\$ 383,128.44	ACH TRANSFERS SUBTOTAL	
103					
104			\$ 1,297,783.27	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
105					

105					
106				BANK TRANSFERS:	
107		6/14	\$ 500,000.00	Funds Transfer LAIF to Checking	
108		6/14	\$ 103,570.71	Funds Transfer MM to Checking	
109		6/30	\$ 514,736.76	Funds Transfer MM to Checking	
110			\$ 603,570.71	BANK TRANSFERS	

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$1,297,783.27. The motion was approved by the following 3-0-1 vote:

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

NAYS:

ABSTAIN: T. Diep

ABSENT: S. Contreras

REPORTS

Report of President:

None

Report of General Manager

GM R. Housley reminded the Board of the compost event on July 22, 2023, and that there will be a closed session item on the next agenda regarding conference with labor negotiators.

GM R. Housley reported the CR&R will mail an urgent notice of noncompliance with SB1383 letter and the waiver form to any multifamily dwellings and commercial properties that are currently in violation of the provisions. Additionally, he reported that CalPERS announced health plan premiums for 2024, with a 10.77% increase in overall premium.

Report from the District Employee Luncheon on June 28, 2023

President T. Diep, Director M. Nguyen, Director C. Nguyen and Director A. Nguyen all attended the event and reported that it was a good chance to catch up with staff and to honor Robert Rojas for his outstanding customer service.

Report from OC SAN District Special Meeting on June 28, 2023

Director A. Nguyen reported that the headquarters project includes a bridge that will connect the second story of the new building to Plant No. 1. Additionally, he reported that the installation of the 100-foot section of the bridge across Ellis Avenue is set to begin on July 21 and continue through July 23, 2023.

Report from the CR&R Tenant Workshop for SB1383 on June 30, 2023

Director A. Nguyen attended the event with staff and reported that it was a great turnout.

Report from the Outreach Committee Meeting on July 5, 2023

Director C. Nguyen and Director A. Nguyen reported that they met with staff to discuss the compost event, the open house event, the compost event, and the radio program for August.

Report from the Anaerobic Digestion Plant Tour on July 7, 2023

Director M. Nguyen attended with staff and reported that the facility’s operations were impressive.

Report from the Radio Bolsa Radio Outreach on July 13, 2023

Director C. Nguyen and Director M. Nguyen attended the radio recording to talk about the District’s services and upcoming events.

Report from the VNCR Radio Outreach on July 13, 2023

Director A. Nguyen and Director S. Contreras attended the radio recording to talk about SB 1383, the District’s services and upcoming events.

CONSENT CALENDAR

- A. Approve and File the Treasurer’s Investment Report for June 2023
- B. Approve the Engineer Report for June 2023
- C. Approve the July 5, 2023, Outreach Committee Recommendations
- D. Approve Attendance to the AAPI Leadership Summit, in Sacramento, September 7-8, 2023, for Board Members and Staff Who Wish to Attend

A motion was made by Director A. Nguyen, seconded by Director C. Nguyen, to approve the Consent Calendar. The motion was approved by the following 4-0 vote:

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

OLD BUSINESS

None

NEW BUSINESS

- A. Consider Adoption of the District’s Spill Emergency Response Plan Prepared by AKM Consulting Engineers

A staff report and recommendations were provided and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to adopt the proposed 2023 Midway City Sanitary District Spill Emergency Response Plan prepared by AKM Consulting Engineers. The motion was approved by the following 4-0 vote:

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

B. RESOLUTION NO. 2023-18 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY AUTHORIZING ABANDONMENT OF EASEMENTS FOR PUBLIC SANITARY SEWER SYSTEM AND APPURTENANCES PURPOSES DEDICATED ON PARCEL MAP NO. 2016-202

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to adopt Resolution No. 2023-18, authorizing abandonment of the easements dedicated to the Midway City Sanitary District on Parcel Map No. 2016-202 and authorizing the General Manager to take such further actions as are necessary to effectuate abandonment of the easements. The motion was approved by the following 4-0 roll call vote:

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

C. Consider Proposals for Purchase and Installation of New Office Furniture for Remodeled District Building and Award of Contract to Systems Source, Inc. in the Amount of \$107,561.56.

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to authorize the General Manager to negotiate and enter into an agreement with Systems Source, Inc. on behalf of the District for the purchase and installation of new office furniture pursuant to its June 14, 2023 proposal, in a form approved by General Counsel. The motion was approved by the following 4-0 vote:

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

D. Approve of Maintenance Services Agreement with PumpMan, LLC to Provide Planned Maintenance Services and Necessary Replacement Parts for the District's Pump Stations for Fiscal Year 2023/2024

A staff report and recommendations were provided and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to approve the proposed Maintenance Services Agreement with PumpMan, LLC for fiscal year 2023/2024. The motion was approved by the following 4-0 vote:

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

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

The Board thanked staff for putting the Compost event together.

Director A. Nguyen shared that his sister had passed away and that her funeral would be held on the same day as the Compost Event.

GM/STAFF CONCERNS/COMMENT

GM R. Housley reminded the Board that Westminster Safety Day will be held on July 19, 2023 and that the District employee luncheon will be on July 26, 2023.

LEGAL COUNSEL CONCERNS/COMMENTS

J. Eggart provided the Board with a status update regarding concerning sponsorships for the District's forthcoming events.

CLOSED 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 T. Diep adjourned the meeting at 6:13 PM to the next Board Meeting to be held at the District on Tuesday, August 1, 2023, at 5:30 PM.

Andrew Nguyen, Secretary

AGENDA ITEM 5A

Date: August 1, 2023

To: Board of Directors

Prepared by: Siamlu Cox, Director of Finance & Human Resources

Subject: Approval of Demands in the Amount of \$1,327,564.52

BACKGROUND

The laws of the State of California governing Special Districts provide that the Midway City Sanitary District Board of Directors shall review for approval all payments made by the District.

A Register of Demands is provided at each regular Midway City Sanitary District Board Meeting describing each payment made or to be made by the district during the specified period. The report is designed to communicate fiscal activity based upon adopted and approved budget appropriations.

The Treasurer has duly reviewed the demands on the attached register.

FISCAL IMPACT

The total value of demand for this period is \$1,327,564.52. This includes expenses, payroll, and payroll related disbursements.

Sufficient funds are available to process all payments.

STAFF RECOMMENDATION

Staff recommends that the Board of Directors review and approve the attached Register of Demands.

**DISBURSEMENTS FOR
Aug 01 2023**

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14789	7/10	17,956.80	Dtntech	Compost Giveaway Westminster Mall 07/22/2023 (32,157)
2	14790	7/13	168.00	Advanced Office	Ricoh Copier Svc 05/01/2023
3	14791	7/13	5,792.00	AKM Consulting Engineers, Inc.	Westminster mall project 05/29 - 06/30/23
4	14792	7/13	16,438.27	Alternative Fuel Solutions	Engine Repairs Replace Cylinder Head NG5
5	14793	7/13	450.37	AT&T Mobility (First Net)	June-2023
6	14794	7/13	3,076.50	Atlas Radiator, Inc.	Rebuilt Radiator NG-9
7	14795	7/13	400.00	Ayala's Car Wash	Fleet wash (7) 06/27/23 Fleet wash (3) 06/28/23
8	14796	7/13	2,418.32	Bodyworks Equip. Inc.	Heil system parts trash trucks
9	14797	7/13	274.66	Cameron Welding Supply	Forklift Propane, Wheel (5)
10	14798	7/13	2,953.42	Clean Energy	CNG Station Service
11	14799	7/13	1,529.32	Daniels Tire Service	Recap tires (6)
12	14800	7/13	36.96	Joshua Wilson	Refund Add Cart 5302 Saint Marys Circle, Wm APN 203054-36
13	14801	7/13	290.00	MemorialCare Medical Foundation	DMV Exam 04/25/23 S. Clarke
14	14802	7/13	299.80	SoCal Auto & Truck Parts, Inc.	Head Lights (5) Gasket Marker (2) Wrench (1)
15	14803	7/13	1,103.17	TEC Of California, Inc.	Brake switches (2) NG-9 Insulator (2) NG-13
16	14804	7/13	940.00	Ayala's Car Wash	Fleet wash (6) 07/05/23
17	14805	7/13	747.54	Bodyworks Equip. Inc.	Tube 1/2 Valves (5)
18	14806	7/13	207.53	Clean Energy	CNG Station Service 07/05/23
19	14807	7/13	1,260.00	Frog Environmental	IGP Storm Water Monitoring 07/01/-12/31/2023
20	14808	7/13	533.62	Hilco Fastener Warehouse Inc.	Hex Cap Screws (10) Weather Pack Term Seals (53) Socket (20)
21	14809	7/13	49.06	Hose-Man, Inc.	JIC Tube Nut (5) Sleeve (5) NG-10
22	14810	7/13	828.36	Merchants Building Maintenance, LLC	Janitorial Services July-2023
23	14811	7/13	6,094.65	Motion and Flow Control Products, Inc.	Hose (165) Parker Swivel (10) Parker 90 Degree (6) Flare (6) Hydraulic
24	14812	7/13	21,507.79	Orange County Treasurer-Tax Collector	LAFCO FY2023-24
25	14813	7/13	100.00	Pitney Bowes/Purchase Power	Postage July-2023
26	14814	7/13	4,262.25	SDRMA - Employee Benefits	Aug-2023
27	14815	7/13	469,438.60	SDRMA - Property/Liability	Property Liability Ins FY 2023-24
28	14816	7/13	282.16	UniFirst Corporation	July - 2023
29	14817	7/7	37.41	City of Westminster-Water Billing	Westminster Lift Station 05/24-07/18/23 Hammond Lift Station 05/24-7/18/23
30	14818	7/7	12,207.50	Davis Farr LLP	Accounting Assistance June-2023
31	14819	7/7	2,503.80	NVB Equipment, Inc.	ProVison Camera Install NG-18
32	14820	7/7	1,935.50	Rutan & Tucker, LLP	Legal Services June-2023
33	14821	7/7	1,000.00	SDRMA - Claims	Claim Deductible 09/10/2022
34	14822	7/7	6,467.50	Woodruff & Smart	Legal Services June-2023
35	14823	7/7	560.78	AT&T (Brookhurst Lift Station)	Brookhurst July-2023
36	14824	7/7	580.00	Ayala's Car Wash	Fleet Wash
37	14825	7/7	1,639.65	Bodyworks Equip. Inc.	Tube Valves (2) T/G Cylinder (2) NG-8
38	14826	7/7	84.94	City of Westminster Hydrant	Hydrant Water Service July-2023
39	14827	7/7	1,691.12	Daniels Tire Service	Recap tires (7)
40	14828	7/7	58.28	Motion and Flow Control Products, Inc.	Triple-Lok Tube (24) Tube Nut (4)
41	14829	7/7	35.00	Pitney Bowes Global Financial Services	Postage Machine 07/10 - 10/09/23 Late Fee
42	14830	7/7	1,475.00	Radio Bolsa Corp.	Radio talkshows (3) 20Min 07/14-21/23
43	14831	7/7	72.00	Safety-Kleen Systems, Inc.	Used Oil MCSD (300) Antifreeze (75)
44	14832	7/7	11.43	SoCal Auto & Truck Parts, Inc.	Oil Filter (2)
45	14833	7/7	45.11	SoCalGas	Maint. Shop & Wash Rack July-2023
46	14834	7/7	10,237.65	Southern California Edison	Willow Jun-2023
47	14835	7/7	1,349.00	Spectrum Enterprise (Time Warner Cable)	July-2023

**DISBURSEMENTS FOR
Aug 01 2023**

48	14836	7/7	282.16	UniFirst Corporation	July -2023
49	14837	7/21	1,000.00	Westminster Mall, LLC	Compost Giveaway Mall Lease 07/22/2023
50			\$ 602,712.98	CHECKS SUBTOTAL	
51					
52				PAYROLL:	MEMO
53		7/12	95,618.21	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
54		7/14	6,306.47	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
55			\$ 101,924.68	ACH TRANSFERS SUBTOTAL	
56					
57				ACH PAYMENTS:	MEMO
58		7/12	456.54	Paychex	Time & Attendance
59		7/14	19,374.06	CalPERS-Retirement	Retirement Contribution
60		7/20	383.28	Paychex	Time & Attendance
61			\$ 20,213.88	ACH TRANSFERS SUBTOTAL	
62					
63			\$ 1,327,564.52	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
64					
65				BANK TRANSFERS:	
66		7/14	\$ 569,645.13	Funds Transfer Money Markey to Checking	
67			\$ 569,645.13	BANK TRANSFERS	

AGENDA ITEM 9A

Date: August 1, 2023

To: Board of Directors

Prepared by: Cynthia Olsder, Executive/Board Secretary

Subject: Discuss and Approve Recognition for Midway City Sanitary District Employees at Holiday Event

BACKGROUND

In 2017, the Board approved having an annual holiday event held at the District’s headquarters for MCSD employees, their partners, and children to attend. Due to its popularity, the Board has approved to continue holding the holiday event since 2018. Last year, the District was under construction and the event had to be held off-site for 35 MCSD employees and their plus one. The offsite holiday event was a big success and the employees felt valued that staff is recommending holding another off-site holiday event this year.

In addition, the Board approved a \$200 gift cards last year, and the employees had the option to select Stater Brothers or a Costco gift card.

Staff would like to hold the event on Saturday, December 16, 2023.

Here are the restaurants to consider:

VENUE	TYPE OF FOOD	LOCATION	MIN. FOOD & BEV.	DATE/TIME AVAILABLE
MASTROS	STEAKHOUSE	COSTA MESA	\$ 13,000.00	12/16, 12/9 @ 5:30/6 PM
TEXAS DE BRAZIL	BRAZILIAN STEAKHOUSE	IRVINE	no min, \$65 pp	12/16 @ 4-5 pm Patio Area
RED O	MEXICAN	NEWPORT BCH	\$ 15,000.00	12/16, 12/9 @ 5:30/6 PM
THE RANCH	STEAKHOUSE	ANAHEIM	\$ 7,000.00	-
BRODARD CHATEAU	FUSION CUISINE	GARDEN GROVE	-	-

FISCAL IMPACT

- \$6,000 - \$9,000 for Food & Beverage minimum, which doesn’t include tax, gratuity, and any potential service fees
- \$6,200 gift cards (31 employees)

STAFF RECOMMENDATION

Staff recommends the Board to approve the purchase of the gift cards and to provide directions on the holiday’s date, time, venue, and budget.

AGENDA ITEM 9B

Date: August 1, 2023

To: Board of Directors

Prepared by: Robert Housley, General Manager

Subject: Approval of Printer for 2024 Midway City Sanitary District Calendar

BACKGROUND

For over 15 years, the Midway City Sanitary District (District) has mailed 34,000 annual calendars to our residential and commercial customers. The 2024 calendar will be an exceptionally special year, as it will highlight our 85th Anniversary and will provide information on our services, programs, organics, food waste, recycling, district events such as cleanup and compost events, delays in services and helpful resources. The District calendar is an effective way to provide and communicate important and useful information to the people and community it serves. The calendar is designed, printed, and mailed the week of Thanksgiving each year to arrive in the mailbox in December each year.

For the past 5 years DTN Tech has satisfactorily designed, printed, and mailed the District’s calendar. The District has requested several quotes from different companies and has inquired about referrals but there have not been any that can meet the District’s needs at this time.

DTN Tech’s quote has no increase from the prior year. Considering that DTN Tech is familiar with this project, has all of the District’s graphics and designs, approval of DTN Tech to design, print and mailing the Annual District Calendar for one more year will ensure continuity during our 85th year celebration and during this year of transition and changes at the District.

(estimated)							
COMPANY	LOCATION	DESIGN	PRINTING	DELIVERY	POSTAGE	TAXES	TOTAL \$
DTN Tech	Garden Grove	750.00	31,825.00	1,225.00	6,986.74	2,784.69	\$43,571.43
OC Printing Services	Santa Ana	2,772.00	35,000.00	3,900.00	31,709.10	3,598.25	\$76,979.35
Minuteman Press	Huntington Beach	No response					\$ -

(1) Postage is estimated. The actual cost has to be determined by the post office at the time of mailing.

STAFF RECOMMENDATION

Staff recommends that the Board approve a printer to design, print, and mail the 2024 calendar to all residents and businesses within the District for up to \$45,000 plus any increases to postal service that may occur after Board approval, and any alternations made by the Calendar Committee.

FISCAL IMPACT

Potential fiscal impact for design, printing, mailing, and postage is \$45,000. The District has a budget of \$70,000 for this item.

Attachment:

1. DTN Tech Quote
2. OC Printing Services Quote



dtn.tech
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QUOTE

Midway City Sanitary District

14451 Cedarwood Ave.
WESTMINSTER CA 92683

Quote Number
QU-2008
Reference
2024 Calendars

Quote Date
26 Jul 2023
Quote Expires

Quantity	Description	Unit Price	Total Amount
	*Requested by Robert Housley		
1	Print Media - Other, CALENDARS Cover Stock: 80 lb Cover Inside Stock: 80 lb Semi-Gloss Final Size: 8.5" x 11" Imprint: 4/4 Pages: 28 Finish: Stitch with drill hole at bottom Qty: 34,000	\$31825.00	\$31825.00
1	Service, Mailing Processing - Job Coordination Fee - Data Processing - Set-Up - Sort, Tie & Tray - Deliver to Main Santa Ana Post Office Qty: 33,378	\$1225.00	\$1225.00
1	Postage and Delivery, Postage	\$6986.74	\$6986.74
<p>* PREPAYMENT IN FULL IS REQUIRED TO PROCESS ALL ORDERS (EXCEPT TERMS CLIENTS). DELAY IN PAYMENT WILL AFFECT PRODUCTION SCHEDULE AND CLIENT IS SUBJECT TO RUSH CHARGES.</p> <p>* WE ARE NOT RESPONSIBLE FOR ANY MISTAKES AFTER PROOFS ARE SIGNED OR ANY COPYRIGHTED MATERIALS PRINTED.</p> <p>* ALL SALES ARE FINAL. NO REFUNDS WILL BE MADE. REPRINTS WILL BE MADE AT THE MANAGER'S DISCRETION.</p> <p>* ALL CHECK RETURNS WILL BE CHARGED \$25. PAST DUE INVOICES ARE SUBJECT TO LATE FEES EQUAL TO THE GREATER OF \$25/20% APR.</p> <p>NEW LOCATION! Please update our office and mailing address to: 11615 Anabel Ave Garden Grove, CA 92843</p>		Subtotal	\$40036.74
		Total Sales Tax 8.75%	\$2784.69
		Total Service/Labor-Tax 0%	\$0.00
		Amount Due	\$42821.43



dtn.tech
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QUOTE

Midway City Sanitary District

14451 Cedarwood Ave.
WESTMINSTER CA 92683

Quote Number

QU-2007

Reference

2024-Calendar Design

Quote Date

26 Jul 2023

Quote Expires

Quantity	Description	Unit Price	Total Amount
*Requested by Robert Housley			
1	Design, Design Fee - Calendar layout and setup of photos and images - Two full revisions included - Client to receive full complete copy of files in PRINT READY formats	\$750.00	\$750.00
<p>* PREPAYMENT IN FULL IS REQUIRED TO PROCESS ALL ORDERS (EXCEPT TERMS CLIENTS). DELAY IN PAYMENT WILL AFFECT PRODUCTION SCHEDULE AND CLIENT IS SUBJECT TO RUSH CHARGES. * WE ARE NOT RESPONSIBLE FOR ANY MISTAKES AFTER PROOFS ARE SIGNED OR ANY COPYRIGHTED MATERIALS PRINTED. * ALL SALES ARE FINAL. NO REFUNDS WILL BE MADE. REPRINTS WILL BE MADE AT THE MANAGER'S DISCRETION. * ALL CHECK RETURNS WILL BE CHARGED \$25. PAST DUE INVOICES ARE SUBJECT TO LATE FEES EQUAL TO THE GREATER OF \$25/20% APR.</p> <p>NEW LOCATION! Please update our office and mailing address to: 11615 Anabel Ave Garden Grove, CA 92843</p>		Subtotal	\$750.00
		Total Service/Labor-Tax 0%	\$0.00
		Amount Due	\$750.00



1355 E. Edinger Ave.
 Santa Ana, CA 92705

Name / Address
Midway City Sanitary District 14451 Cedarwood Ave. Wesminster, CA 92683

Estimate

Date	Estimate #
7/27/2023	4277

P.O. No.	Terms	Rep	FOB	Project

Item	Description	Qty	Price/Ea.	Total
Calendars	4/4, full color 11 x 17 print saddle stitch with 1 hole punch, fold to 8.5 x 11	34,000	1.02941	35,000.00T
MAILING	mailing Services as Self Mailing standard	33,378	0.11684	3,900.00T
Design	Design Work		2,772.00	2,772.00
stamp	Postage	33,378	0.95	31,709.10
	please allow production time 20 working			
			Subtotal	\$73,381.10
			Sales Tax (9.25%)	\$3,598.25

E-mail: OC@OCPrintingServices.com	Phone # (714) 550 9730	Total	\$76,979.35
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Thank you for your quote request.



CITY OF WESTMINSTER

2nd Annual

FALL Festival

FRIDAY - SUNDAY | SEPTEMBER 22-24, 2023
WESTMINSTER CIVIC CENTER | 8200 WESTMINSTER BLVD.

Sponsorship Package





Dear Potential Sponsor and Community Supporter,

The City of Westminster is excited to announce that we will be hosting our 2nd annual **Fall Festival** and expanding the event over an entire weekend to include exciting new features, such as our **Taste of Westminster**, which will feature local food vendors! Building the sense of community here in our City is a priority to staff and residents. Events like this strengthens local pride, stimulates economic vitality, and builds healthy relationships and connections.

We are reaching out to your business/organization to give you the first chance to take advantage of this great opportunity to sponsor this exciting event. Should your organization choose to sponsor the Westminster Fall Festival, your contribution will be promoted in a variety of ways including social media, print materials, exhibitor presence, and much more!

Enclosed you will find additional information regarding the Fall Festival and standard sponsorship levels available. Each sponsorship level can be customized in accordance with your donation amount to meet your marketing goals for the event.

Our Fall Festival will feature carnival rides, live entertainment, delicious food, children's activities, vendors, exhibits and so much more.

Thank you for your time and consideration. Please contact me if you have any questions. I look forward to hearing from you soon.

Best Regards,

Vanessa Johnson, Community Services Director
City of Westminster
vjohnson@westminster-ca.gov
(714) 548-3667

2023 FALL FESTIVAL SPONSORSHIP OPPORTUNITIES



TITLE SPONSOR (LIMIT 1)

Sponsor Investment | \$10,000

As a Title Sponsor you will receive:

- Main stage banner (bottom of main stage, 24 ft. x 3 ft. max., provided by sponsor)
- Booth (up to 10 ft. x 20 ft.) with up to two (2) tables and four (4) chairs, on all three days, Friday-Sunday, at a prime location
- Ten (10) wristband ride passes to all carnival rides
- Ten (10) tickets to Taste of Westminster
- Full page color ad in Official Fall Festival Program, premium position
- Logo included on all Fall Festival flyers and social media posts
- Logo included on City webpage with hyperlink
- Recognition in City Newsletter (sent to every resident in Westminster)
- Recognition at a televised City Council Meeting
- Logo featured on Westminster Local TV Channel
- Two (2) reserved parking spaces
- Verbal recognition at opening ceremony on stage
- Logo printed on Fall Festival T-Shirts worn by City Staff
- Complimentary parade entry at 2024 Tet Parade



entertainment



family fun



community



vendors

2023 FALL FESTIVAL SPONSORSHIP OPPORTUNITIES



PLATINUM SPONSOR

Sponsor Investment | \$7,500

As a Platinum Sponsor you will receive:

- Opportunity for two (2) banners, 8 ft. x 3 ft. max., hung in premium locations throughout the event (provided by sponsor)
- Booth (10 ft. x 10 ft.) with one (1) table and two (2) chairs, on all three days, Friday-Sunday, at a prime location
- Eight (8) wristband ride passes to all carnival rides
- Eight (8) tickets to Taste of Westminster
- Half page color ad in Official Fall Festival Program
- Logo included on all Fall Festival flyers and social media posts
- Logo included on City webpage with hyperlink
- Recognition in City Newsletter (sent to every resident in Westminster)
- Recognition at a televised City Council Meeting
- Logo featured on Westminster Local TV Channel
- One (1) reserved parking space
- Verbal recognition at opening ceremony on stage



entertainment



family fun



community



vendors

2023 FALL FESTIVAL SPONSORSHIP OPPORTUNITIES



DIAMOND SPONSOR

Sponsor Investment | \$5,000

As a Diamond Sponsor you will receive:

- Opportunity for one (1) banner, 8 ft. x 3 ft. max., hung in a premium location (provided by sponsor)
- Booth (10 ft. x 10 ft.) with one (1) table and two (2) chairs, on all three days, Friday-Sunday, at a prime location
- Six (6) wristband ride passes to all carnival rides
- Six (6) tickets to Taste of Westminster
- Quarter page color ad in Official Fall Festival Program
- Logo included on all Fall Festival flyers and social media posts
- Logo included on City webpage with hyperlink
- Recognition in City Newsletter (sent to every resident in Westminster)
- Recognition at a televised City Council Meeting
- Logo featured on Westminster Local TV Channel
- Verbal recognition at opening ceremony on stage



GOLD SPONSOR

Sponsor Investment | \$2,500

As a Gold Sponsor you will receive:

- Opportunity for one (1) banner, 8 ft. x 3 ft. max., hung at event (provided by sponsor)
- Booth (10 ft. x 10 ft.) with one (1) table and two (2) chairs, on all three days, Friday-Sunday, at a prime location
- Four (4) wristband ride passes to all carnival rides
- Four (4) tickets to Taste of Westminster
- Eighth page color ad in Official Fall Festival Program
- Logo included on all Fall Festival flyers and social media posts
- Logo included on City webpage
- Recognition in City Newsletter (sent to every resident in Westminster)



2023 FALL FESTIVAL SPONSORSHIP OPPORTUNITIES



SILVER SPONSOR

Sponsor Investment | \$1,000

As a Silver Sponsor you will receive:

- Opportunity for one (1) banner, 8 ft. x 3 ft. max., hung at event (provided by sponsor)
- Two (2) wristband ride passes to all carnival rides
- Two (2) tickets to Taste of Westminster
- Company name listed on all Fall Festival flyers and social media posts
- Company name listed on City webpage
- Recognition in City Newsletter (sent to every resident in Westminster)



BRONZE SPONSOR

Sponsor Investment | \$500

As a Bronze Sponsor you will receive:

- Opportunity for one (1) banner, 8 ft. x 3 ft. max., hung at event (provided by sponsor)
- Company name listed on all Fall Festival flyers and social media posts
- Company name listed on City webpage
- Recognition in City Newsletter (sent to every resident in Westminster)



PRODUCT SPONSOR

Donations of goods; non-monetary (examples: gift cards, small promotional items, drinks, food for volunteers)

As a Product Sponsor you will receive:

- Recognition in City Newsletter (sent to every resident in Westminster)

For Sponsorship Inquiries, please contact the City of Westminster by email at FallFestival@westminster-ca.gov or call 714.895.2860.

2023 FALL FESTIVAL SPONSORSHIP OPPORTUNITIES



Thank
you

Thank you for being a sponsor and supporting the community of Westminster!

SPONSOR GUIDELINES

1. Please return completed **Sponsor Application** and **Payment** to:

Community Services and Recreation Department
Attn: **Fall Festival**
8200 Westminster Blvd. Westminster, CA 92683

Make checks payable to: **City of Westminster**
To pay by credit card, please call: (714) 895-2860

2. For sponsor packages that will include your company logo, please contact the Community Services and Recreation Department for deadlines and email logo in **PNG** or **JPEG** format to FallFestival@westminster-ca.gov.

3. For sponsor packages that include a color ad in the official Fall Festival Program, please contact the Community Services and Recreation Department at FallFestival@westminster-ca.gov for deadlines and dimensions.

4. All sponsor banners are to be dropped off at the Community Services and Recreation Department no later than 5:30 p.m. on Thursday, September 14, 2023.



2023 FALL FESTIVAL SPONSORSHIP APPLICATION

COMPANY NAME:

ADDRESS: City: State: Zip:

CONTACT PERSON:

PHONE NUMBER:

EMAIL ADDRESS:

Please check the appropriate level of sponsorship:

- TITLE \$10,000 PLATINUM \$7,500 DIAMOND \$5,000 GOLD \$2,500
 SILVER \$1,000 BRONZE \$500 PRODUCT

Please return completed **Sponsor Application, Waiver** and **Payment** to:

Community Services and Recreation Department
Attn: **Fall Festival**
8200 Westminster Blvd. Westminster, CA 92683

Make checks payable to: **City of Westminster**
To pay by credit card, please call: (714) 895-2860

CITY OF WESTMINSTER PARTICIPANT AGREEMENT AND WAIVER AND RELEASE OF LIABILITY

I, _____ (Full legal name), desire to participate in **Fall Festival 2023**, (the "Activity").

In consideration for my participation in the Activity, I agree as follows:

1. Activity Environment. I understand that there are risks involved whether I participate in virtual or in-person activities.

a. In-person activities. I understand that the State of California is currently subject to a stay-at-home order due to the COVID-19 pandemic. I am fully aware of the rules and regulations imposed by the State of California and the City of Westminster ("City"), including the requirement that I must maintain social distancing of at least six feet from other participants, and that I must follow all required Community Services & Recreation policies and procedures while engaging in the Activity. I represent that:

- I am aware that persons over age 65 and persons with underlying health conditions are at greater risk of contracting COVID-19 and becoming ill, potentially risking death.
- I am not experiencing symptoms of COVID-19, such as a dry cough, fever, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of sense of smell and/or taste.
- I have not been advised by a physician that I am COVID-19 positive.
- I am physically able to engage in the Activity while following all policies and procedures of the Community Services & Recreation Department.

b. Virtual activities. I fully understand that the City, its employees, officials, and agents, are not responsible for any loss, alternation, corruption or other damage to my personal property, including computers, networks and other personal property used as part of my participation in the Activity. The City makes no warranty that 1) internet service will be adequate to facilitate the Activity, 2) internet service will be uninterrupted, timely, secure, error-free or virus-free, 3) any information that may be obtained through the Activity will be accurate or reliable and/or 4) that any errors in software will be corrected. I represent and agree that:

- The conditions of my property, both personal and real, are suitable for participation in the Activity.
- I am not experiencing symptoms of COVID-19, such as a dry cough, fever, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of sense of smell and/or taste.
- I have not been advised by a physician that I am COVID-19 positive.
- I am physically able to engage in the Activity while following all policies and procedures of the Community Services & Recreation Department.

2. Assumption of Risk. I fully understand that there are dangers, inherent and otherwise, in the Activity and in engaging in the Activity during the COVID-19 pandemic. I understand that my participation in the Activity may expose me to the risk of personal injury or death and/or causing me to acquire COVID-19 and transmit it to others. I further understand and agree that any material downloaded, viewed or otherwise obtained through a virtual Activity is done at my own risk, and I will be solely responsible for any loss or damage to my personal property, including computer systems and networks, or loss of data that resulted from the use, download and/or viewing an Activity. I hereby acknowledge that I am participating of my own free will in the Activity and I agree to assume the full risk of any injuries and/or damages and/or losses of any kind, regardless of severity and including death, that may occur in connection with my participation in the Activity. I further assume the risk, if I take a virtual Activity, that my property may not be suitable and agree to hold the Community Services & Recreation Department, the City, and their elected officials, officers, agents, employees, and volunteers, harmless from any loss or damage arising from injury to person or property arising from the use of such property in the Activity.

3. Indemnification. In consideration for being permitted to participate in the Activity, I hereby agree, for myself, my heirs, administrators, executors and assigns, that I shall indemnify, defend, and hold harmless Community Services & Recreation Department, the City, and their elected officials, officers, agents, employees, and volunteers, from any and all claims, demands actions or suits arising out of or in connection with my participation in the Activity.

4. Medical Release. I authorize the City to provide or cause to be provided such medical treatment to me as may be necessary or appropriate if any injury occurs while I am participating in the Activity. I further agree to pay any costs incurred as a result of such treatment.

5. Waiver and Release of Liability. I, intending to be legally bound for myself and my heirs, personal representatives, next of kin, and anyone who might make a claim on my behalf, hereby waive, release, and discharge the Community Services & Recreation Department, the City, and their elected officials, officers, agents, employees, and volunteers from any and all claims for damages and/or liability, whether caused by any active or passive negligent act or omission of the Community Services & Recreation Department or the City, or their elected officials, officers, agents, employees, and/or volunteers, or otherwise related to my participation and promise not to sue the Community Services & Recreation Department, the City, or

CITY OF WESTMINSTER PARTICIPANT AGREEMENT AND WAIVER AND RELEASE OF LIABILITY (CONTINUED)

their elected officials, officers, agents, employees, and/or volunteers for any damages I incur in connection with the Activity. This release and waiver extends to all claims of every kind or nature whatsoever, foreseen or unforeseen, known or unknown.

6. Recording of In-Person/Virtual Activities. I understand and agree that a in person and/or virtual Activity may be recorded for viewing and/or listening by others at a future date. I consent to the City's use of audio/video recordings of me during the in person and/or virtual Activity and that the City may use audio/video segments or photograph stills of me for any purpose, including but not limited to news, advertising and promotional purposes, without compensation to me. I hereby release and hold harmless the Community Services & Recreation Department, the City, and their elected officials, officers, agents, employees, and volunteers, from any claims relating to the use of my likeness and image

7. Compliance with All Rules. I agree to obey all policies and procedures applicable to the Activity and instructions provided by the Community Services & Recreation Department and/or by City staff and volunteers during my participation in the Activity. I further understand and agree that Activities/events are interactive and agree to act reasonably and professionally at all times during my participation. During live sessions, participants will be able to see and hear anything within audio or camera viewing areas. Accordingly, the Activity coordinator may, in his or her sole discretion, mute and/or restrict video access to participants during a virtual session.

8. Miscellaneous. I acknowledge and agree that this Agreement is binding upon my heirs, assigns and legal representatives. I agree that this Agreement is intended to be as broad and inclusive as is permitted by California law. I further agree that this Agreement is severable and that if any clause is found invalid, the balance of the Agreement will remain in effect, valid, and enforceable.

I HAVE READ THIS AGREEMENT AND WAIVER AND RELEASE OF LIABILITY, KNOW, UNDERSTAND AND AGREE TO BE BOUND BY ITS CONTENTS, AND SIGN IT OF MY OWN FREE WILL.

Participant's Full Legal Name: _____

Signature: _____

Date: _____

If participant is under the age of 18, a parent or legal guardian must read and sign this Agreement, agreeing to be bound by its terms and verifying that he/she is the parent and/or legal guardian of the minor.

Parent/Legal Guardian Name: _____

Signature: _____

Date: _____