

**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.

January 5, 2021

CALL TO ORDER

President A. Nguyen called the special teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, January 5, 2021 at 5:03 P.M.

BOARD MEMBERS PRESENT:

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

OTHERS AT MEETING:

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

PLEDGE AND INVOCATION

Director S. Contreras led the Pledge of Allegiance. GM K. Robbins gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF DEC. 15, 2020 (Roll Call Vote)

A motion was made by Director S. Contreras, seconded by President A. Nguyen, to approve the minutes of the special meeting of December 15, 2020. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 530,266.23 (Roll Call Vote)

1				CHECKS:	
2	11995	12/10	\$ 75.00	Advanced Gas Products	Cylinder Rental for Nov-2020 & Supplies
3	11996	12/10	\$ 1,020.00	Ayala's Car Wash	Fleet wash 12/3, 12/7
4	11997	12/10	\$ 764.44	Wex Bank (Chevron)	Fuel Credit Card for November 2020
5	11998	12/10	\$ 34.96	City of Westminster-Water Billing	Westminster/Lift Stations 10/14/20-12/8/20
6	11999	12/10	\$ 157.67	Cody Ranslem	Reimbursement for safety work boots
7	12000	12/10	\$ 180.00	Costco Wholesale	Membership renewal for 2021
8	12001	12/10	\$ 92,490.47	CR Transfer Incorporated	Residential Waste and Organic Tonnage Fees 11/16/20 through 11/30/20
9	12002	12/10	\$ 2,250.64	CR Transfer Incorporated	NG-2 trash load in district yard, Buckingham Park clean-up event 11/21
10	12003	12/10	\$ 2,950.85	Daniels Tire Service	(4) Recap tires, (5) Restock front new tires
11	12004	12/10	\$ 300.00	Four Pals, Inc	(4) Backflow Devices Tested, Passed, Certified
12	12005	12/10	\$ 300.00	MemorialCare Medical Foundation	Physical Exams & Testing
13	12006	12/10	\$ 746.74	Merchants Building Maintenance, LLC	Janitorial Services for December 2020
14	12007	12/10	\$ 10,998.50	PumpMan, LLC	2nd Qtr. Pump Maintenance FY 20/21
15	12008	12/10	\$ 249.00	Raul Jimenez	Reimbursement for testing
16	12009	12/10	\$ 318.50	Rutan & Tucker, LLP	Professional Legal Services for November 2020
17	12010	12/10	\$ 4,024.10	SDRMA	Dental Insurance Premiums for January 2020
18	12011	12/10	\$ 3.21	SoCal Auto & Truck Parts, Inc	Tail light bulb for M-2 (Admin vehicle)
19	12012	12/10	\$ 402.61	Staples Business Credit	November 2020 Office Supplies
20	12013	12/10	\$ 577.21	Tec of California, Inc	Restock brake shoes, brake drums & 2 core returns for credit (\$98.91)
21	12014	12/10	\$ 4,656.79	Woodruff, Spradlin & Smart	General Counsel Legal Services for November 2020
22	12015	12/14	\$ 175.00	Elite Gates	Repairs & preventative maintenance for main gate
23	12016	12/16	\$ 44,634.60	Jaycox Construction CNG	New compressor for CNG station (down payment)
24	12017	12/17	\$ 74.48	Advanced Gas Products	Restock Propane and gloves for forklift in shop
25	12018	12/17	\$ 2,015.85	Agility Fuel Systems	Replaced damaged CNG tank covers for NG-1
26	12019	12/17	\$ 320.00	Asbury Environmental Services	(300) Gallons Used Oil/Mixed Pick Up
27	12020	12/17	\$ 326.00	AT&T	Brookhurst Lift Station December 2020
28	12021	12/17	\$ 96.34	AT&T Mobility	Cell Phone Service for December 2020
29	12022	12/17	\$ 810.00	Ayala's Car Wash	Fleet wash 12/10, 12/14
30	12023	12/17	\$ 1,324.85	Bodyworks Equipment	Restock hydraulic hose tray kit for Solid Waste trucks
31	12024	12/17	\$ 264.41	Cintas	Uniform Services for 12/10
32	12025	12/17	\$ 56.23	City of Westminster	Hydrant Water Service for December 2020
33	12026	12/17	\$ 1,649.28	Daniels Tire Service	(8) Recap tires for Solid Waste trucks
34	12027	12/17	\$ 6,712.33	SoCalGas	CNG Station, District offices, mechanics shop, wash rack Nov 2020
35	12028	12/17	\$ 420.00	Merchants Building Maintenance, LLC	Enhanced cleaning services on 11/17/20
36	12029	12/17	\$ 103.25	Pham Amy Thuan	Refund for residential refuse services, new unit not occupied until Feb 2021
37	12030	12/17	\$ 254.48	Pitney Bowes Global Financial Services	Postage for Postage Machine December 2020
38	12031	12/17	\$ 150.00	Purchase Power	Postage for December 2020
39	12032	12/17	\$ 2,840.00	PumpMan, LLC	Installed customer supplied check valve sensor (Brookhurst)

40	12033	12/17	\$ 741.19	Snap-On Tools	Drill bits for work on hubs CCC inflator for tires
41	12034	12/17	\$ 2,174.00	Tec of California, Inc	Restock batteries, brake pads & filters for Solid Waste
42	12035	12/17	\$ 1,855.38	Verizon	Internet Connection for December 2020
43	12036	12/23	\$ 1,070.00	Ayala's Car Wash	Fleet wash 12/17, 12/21
44	12037	12/23	\$ 552.94	Bodyworks Equipment	Heil electrical parts for NG-1
45	12038	12/23	\$ 261.41	Cintas	Uniform Services for 12/17
46	12039	12/23	\$ 89,246.29	CR Transfer Incorporated	Residential Waste & Organic Tonnage Fees 12/01/20 through 12/15/20
47	12040	12/23	\$ 11,411.88	CRC Cloud	Newer server to replace the old server
48	12041	12/23	\$ 35.00	Debbie Ralph	Reimbursement for testing
49	12042	12/23	\$ 200.00	Dennis Solano Jr	Reimbursement for safety work boots
50	12043	12/23	\$ 67.80	LegalShield	Legalshield/ID Svcs. December 2020
51	12044	12/23	\$ 110.00	MemorialCare Medical Foundation	Pre-employment physical (Upcoming New Hire)
52	12045	12/23	\$ 119.00	Remington Pure	Dec 2020 Water Filtration & Fountain
53	12046	12/23	\$ 74.31	Time Warner	Television service December 2020
54	12047	12/23	\$ 213.47	Tec of California, Inc	Restock A/C filters for Mack trucks
55	12048	12/23	\$ 79.13	TrucPar Company	Brake cleaner for shop use
56	12049	12/23	\$ 568.75	WiarCom, Inc	GPS Monitoring Dec-2020
57			\$ 293,508.34	CHECKS SUBTOTAL	
58					
59				PAYROLL	
60	ACH	12/4	\$ 3,724.96	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
61	ACH	12/15	\$ 70,336.90	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
62	ACH	12/15	\$ 4,130.00	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
63	ACH	12/15	\$ 560.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
64	ACH	12/29	\$ 79,249.64	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
65	ACH	12/30	\$ 3,130.00	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
66	ACH	12/30	\$ 560.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
67	ACH	12/31	\$ 5,544.38	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
68	ACH	12/30	\$ 424.76	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Board of Directors)
69			\$ 163,935.68	ACH TRANSFERS SUBTOTAL	
70					
71				ACH PAYMENTS	
72	ACH	1/1	\$ 3,817.97	CalPERS	Board of Directors Health Insurance Premiums for January 2021
73	ACH	1/1	\$ 53,186.78	CalPERS	Active Employee and Retiree Health Ins Premiums for January 2021
74	ACH	12/14	\$ 15,817.46	CalPERS	Retirement Contributions for 11/30/2020-12/13/20
75			\$ 72,822.21	ACH TRANSFERS SUBTOTAL	
76					
77			\$ 530,266.23	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	

A motion was made by Director M. Rice, seconded by Director C. Nguyen, to approve the expenditures in the amount of \$ 530,266.23. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

President A. Nguyen reported that he attended the funeral for Director C. Nguyen's mother, who passed away on December 25, 2020, at the Blessed Sacrament Church on Saturday, January 2, 2021, along with Director T. Diep and GM K. Robbins.

Report of General Manager

GM K. Robbins wished everyone a Happy New Year and reported that the District started out 2021 with a full staff for the first time in a long time with no active cases of COVID-19.

He also reported that a new driver was hired and started on Monday, January 4, 2021 to replace solid waste driver Raul Jimenez who will be retiring in February 2021.

GM K. Robbins stated that he fully expects the City to again make requests that the District pick up and dispose of abandoned items within the City due to the change in City Council members and/or City Manager and that it will be dealt with in the same manner as always - that the District has already spoken to LAFCO and does not have the authority to do so.

GM K. Robbins stated that in August of 2020 the Board directed staff to bring an item back to revisit in January 2021 so there was a need for a special closed session on the next agenda to discuss represented employees.

GM K. Robbins stated that he had a plaque made for retiring employee Raul Jimenez and that he would be passing it around to each Board member for their signatures.

GM K. Robbins wished a Happy Birthday to Directors A. Nguyen, M. Rice, T. Diep and S. Contreras.

Report from the Orange County Sanitation (OCSD) Meeting on Dec. 16, 2020

President A. Nguyen reported that there was a list of new Directors for OCSD, and that outgoing Directors were honored. Director M. Rice was mentioned as a long-time Director and Alternate Director who served on the OCSD Board.

There was a report regarding the lack of employees at Plant #2 due to COVID-19, and no legislative updates to report due to COVID-19 in 2020.

President A. Nguyen reported that OCSD sent a letter to the County requesting that their employees receive priority for the COVID-19 vaccine due to the necessity of their work. He suggested that GM K. Robbins do the same for MDSC, so GM K. Robbins sent a letter on behalf of the District.

CONSENT CALENDAR

None

OLD BUSINESS

- A. 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 Agreement **(Roll Call Vote)**

Finance/HR Director R. Housley stated that Shuster Advisory, LLC has been with the District for a few years and that they work on the District's behalf as its fiduciary of the District's 457 plan with Nationwide. They review the funds and contracts and make recommendations for changes to benefit the District's employees. The amendment to the agreement is mainly due to their name change and some modified language.

Joann Perrino from Shuster Advisory, LLC joined the District's teleconference meeting and explained the reasons for Amendment #1 and the changes made to the District's agreement with Shuster Advisory, LLC.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director M. Rice, to approve of Amendment No. 1 with Shuster Advisory, LLC for Independent Advisory Services of the Districts 457(b) Retirement and Omnibus Budget Reconciliation Act (OBRA) Plans and give authorization to the General Manager to sign the agreement. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

NEW BUSINESS

- A. Discuss and Consider Ethics Training Online through California Special Districts Association (CSDA) **(Roll Call Vote)**

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director M. Rice, seconded by President A. Nguyen, to approve online ethics training through CSDA. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

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

(Roll Call Vote)

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director C. Nguyen to approve changing the District's regularly scheduled Board meeting on Tuesday, January 19, 2021 at 5:30 P.M. to a special teleconference meeting at 5 P.M. due to the COVID-19 pandemic. The motion was not approved due to the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

A. Independent Special Districts of Orange County (ISDOC) Executive Committee 3rd Vice President Vacancy

B. California Special Districts Association (CSDA) Advocacy News Memo Regarding Treated Wood Waste Disposal – Local Government Letter to CalEPA

C. Orange County Health Care Agency – County of Orange Health Officer's Orders and Strong Recommendations Revised on December 17, 2020

D. Independent Special Districts of Orange County (ISDOC) Quarterly Zoom Meeting on Thursday, January 28, 2021 from 11:30 AM – 1 PM

Director M. Rice asked that staff register her for Item D – the ISDOC Quarterly Zoom meeting on Thursday, January 28, 2021.

President A. Nguyen asked staff to sign up all of the Board members for that Zoom meeting.

Receive and file.

BOARD CONCERNS/COMMENTS

Director M. Rice wished everyone a Happy Birthday.

Director S. Contreras gave his condolences to Director C. Nguyen on the passing of his mother and asked if the meeting could be adjourned in her honor.

Director C. Nguyen thanked everyone on behalf of his family and wished everyone a Happy Birthday.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that there was also a District staff member's mother who passed away just recently and that the District sent an Edible Arrangement to the family.

Finance/HR Director R. Housley expressed his condolences to Director C. Nguyen and his family, wished everyone a Happy Birthday and reported that there were currently 0 active cases of COVID-19 at the District.

Finance/HR Director R. Housley reported that the District would be changing its payroll platform software to a newer version for better tracking and reporting.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel, James Eggart reported that the CalRecycle SB1383 final regulation relating to organics will need updating and re-adoption of an Ordinance and that he will be working with the City and with District Staff regarding this issue.

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 A. Nguyen adjourned the meeting in honor of Director C. Nguyen's mother to Tuesday, January 19, 2021 at 5:00 P.M. at the District office at approximately 5:46 P.M.

Sergio Contreras
Sergio Contreras, Secretary