

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

**Tuesday, March 7, 2023
5:30 P.M.**

AGENDA

OUR MISSION STATEMENT

THE BOARD OF DIRECTORS AND EMPLOYEES OF 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

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 February 21, 2023

5. APPROVAL OF EXPENDITURES

- A. Approval of Demands in the Amount of \$612,935.61

6. REPORTS

The President, General Manager, General 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 Interim General Manager
- C. Report from OC SAN District Special Meeting on February 22, 2023
- D. Report from the Building Project Ad Hoc Committee Meeting on February 28, 2023
- E. Report from the Outreach Committee Meeting on March 1, 2023

7. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered routine and will be acted upon at the same time unless separate discussion and/or action is requested by a Board Member, the public, or staff.

- A. Recognition and Approval of 10-year Safety Award for Lead Sewer Maintenance Worker, Randy Griffith, in the Amount of \$300.00
- B. Approval of the Outreach Committee Recommendations

8. OLD BUSINESS: None

9. NEW BUSINESS

- A. A RESOLUTION NO.2023-04 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE 2023-2024 SALARY SCHEDULE FOR NON-REPRESENTED EMPLOYEES
(Roll Call Vote)
- B. A RESOLUTION NO.2023-05 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE 2023-2024 SALARY SCHEDULE FOR REPRESENTED EMPLOYEES
(Roll Call Vote)
- C. Considered Approval of General Manager Employment Agreement with Robert Housley

D. CONSIDERATION OF RESOLUTION NO. 2023-06 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY ADOPTING A REVISED POLICY REGARDING BOARD OF DIRECTOR DAYS OF SERVICE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 6489 **(Roll Call Vote)**

E. CONSIDERATION OF RESOLUTION NO. 2023-07 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY APPROVING BOARD OF DIRECTOR AND STAFF ATTENDANCE AT SPECIFIED CONFERENCES, MEETINGS, ACTIVITIES AND EVENTS **(Roll Call Vote)**

10. INFORMATIONAL ITEMS:

A. ISDOC VIRTUAL Quarterly Meeting - March 30, 2023

11. BOARD CONCERNS/COMMENTS

12. GM/STAFF CONCERNS/COMMENTS

13. GENERAL 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

B. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
Agency Designated Representatives: Tyler Diep, Charlie Nguyen, and James Eggart
Unrepresented Employee: Robert Housley

15. ADJOURNMENT TO TUESDAY, MARCH 21, 2023

**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**

February 21, 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 Avenue, Westminster, California on Tuesday, February 21, 2023 at 5:30 PM.

BOARD MEMBERS PRESENT:

Tyler Diep
Andrew Nguyen
Chi Charlie Nguyen
Sergio Contreras
Mark Nguyen

STAFF PRESENT:

Robert Housley, Interim General Manager
Cynthia Olsder, Executive/Board Secretary

OTHERS PRESENT:

James Eggart, General Counsel

BOARD MEMBERS ABSENT:

None

PLEDGE AND INVOCATION

Director M. Nguyen led the Pledge of Allegiance. Interim GM, R. Housley gave the Invocation.

PUBLIC COMMENTS

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 7, 2023 AND
THE SPECIAL MEETING OF FEBRUARY 11, 2023**

A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve the minutes of the regular meeting of February 7, 2023 and the Special Meeting of February 11, 2023. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$173,563.19

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14370	2/2	335.00	Advanced Workplace Strategies, Inc.	DOT random drug and alcohol testing
2	14371	2/2	2,678.06	Atlas Radiator, Inc.	Radiator repair for NG-9 for trash truck
3	14372	2/2	590.00	Ayala's Car Wash	Washing and cleaning of district's fleet
4	14373	2/2	3,694.16	Clean Energy	CNG Station site inspection
5	14374	2/2	1,090.00	CliftonLarsonAllen, LLP	Final billing for FYE 06.30.2022 state controllers report
6	14375	2/2	1,335.00	CRC Cloud	Maintenance & support Feb -2023 plus yearly backup software licensing service
7	14376	2/2	149.23	Cummins Pacific LLC	O-ring seals for engine for solid waste truck
8	14377	2/2	2,136.29	Daniels Tire Service	Restock tires for solid waste
9	14378	2/2	612.53	Frontier Communications	District office phones & lift stations
10	14379	2/2	21.86	Hose-Man, Inc.	Fittings for T9 pump for solid waste trucks
11	14380	2/2	24,280.33	Orange County Sanitation District	Permit Fees Jan-2023
12	14381	2/2	372.01	Snap-On Tools	Tools for shop use
13	14382	2/2	37.44	SoCal Auto & Truck Parts, Inc.	Radiator cap for solid waste trucks
14	14383	2/2	9,132.19	Southern California Edison	District Offices, CNG station, and lift stations
15	14384	2/2	1,247.04	Standard Insurance Company Life	Life Insurance & AD&D premiums
16	14385	2/2	300.00	Streamline	Website monthly member fee
17	14386	2/2	3,758.03	Tell Steel	Body flooring material for solid waste trucks
18	14387	2/2	31.00	Underground Service Alert	Underground dig alerts Jan-2023
19	14388	2/2	250.18	UniFirst Corporation	Employee uniform & laundry services
20	14389	2/2	91.47	Union Bank (NC)	Office supplies
21	14390	2/2	8,814.43	US Bank Corporate Payment System	District credit cards
22	14391	2/9	39.19	City of Westminster-Water Billing	Westminster lift station water
23	14392	2/9	4,514.51	Cummins Pacific LLC	Ignition coil extensions for solid waste trucks
24	14393	2/9	2,135.41	Daniels Tire Service	Restock tires for solid waste
25	14394	2/9	1,098.22	PSI	Steamer repair for the wash rack machine
26	14395	2/9	1,000.00	Shuster Advisory Group, LLC	Q4 2022 advisory fee for 457(b) & OBRA plans
27	14396	2/9	543.06	Snap-On Tools	Tools for shop use
28	14397	2/9	669.40	SoCal Auto & Truck Parts, Inc.	Restock shop and flasher for NG-2
29	14398	2/9	515.66	Staples Business Credit	Restock office supplies for Jan-2023
30	14399	2/9	250.18	UniFirst Corporation	Employee uniform & laundry services
31			\$ 71,721.88	CHECKS SUBTOTAL	
32					
33				PAYROLL:	MEMO
34	ACH	2/1	\$ 846.00	Nationwide Retirement Solutions	457 Deferred Compensation (Board of Directors)
35	ACH	2/3	\$ 7,939.13	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
36	ACH	2/8	\$ 71,746.58	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
37	ACH	2/8	\$ 6,213.02	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
38			\$ 86,744.73	ACH TRANSFERS SUBTOTAL	
39					
40				ACH PAYMENTS:	MEMO
41	ACH	1/11	\$ 15,096.58	CalPERS	Retirement Contributions for 01/23 - 02/05/23
42			\$ 15,096.58	ACH TRANSFERS SUBTOTAL	
43					
44			\$ 173,563.19	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve the expenditure in the amount of \$173,563.19. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Revised 02-07-23 Demands in the amount of \$700,936.57

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14310	1/11	1,516.00	Advanced Thermal Products, Inc	DOT random drug and alcohol testing
2	14311	1/11	190.00	Alejandra Cruz	Employee breakfast 01/06/23
3	14312	1/11	240.00	Ayala's Car Wash	Washing and cleaning of district's fleet
4	14313	1/11	157.00	Cameron Welding Supply	Oxygen and propane welding supplies for shop
5	14314	1/11	5,000.00	City of Westminster	Sponsorship for 2023 Tet Parade
6	14315	1/11	500.00	Country City Towing	Tow service for NG-6 and NG-3
7	14316	1/11	795.00	CRC Cloud	Monthly IT maintenance & Support
8	14317	1/11	889.68	Los Angeles Freightliner	Power steering pump for NG-12
9	14318	1/11	330.00	Memorial Care Medical Foundation	DMV physicals and random drug testing - all departments
10	14319	1/11	289.00	Petty Cash - Robert Housley	Petty Cash employee luncheon Jan-2023
11	14320	1/11	4,360.93	SDRMA - Employee Benefits	Dental and vision benefits
12	14321	1/11	251.60	Snap-On Tools	Tools for shop use
13	14322	1/11	26.96	SoCal Auto & Truck Parts, Inc.	Batteries and supplies for shop use
14	14323	1/11	27,108.25	SoCalGas	Natural Gas for offices, shop, and wash rack
15	14324	1/11	254.98	UniFirst Corporation	Employee uniform & laundry services
16	14325	1/11	255,082.22	Woodcliff Corporation - Contractor	Building project pay application #3 Dec-2022
17	14326	1/11	13,425.38	Woodcliff Corporation - Escrow Account	Building project pay application #3 - Retention payment
18	14327	1/13	150.00	Dtn.tech	Design artwork for TET
19	14328	1/19	782.08	Agility Fuel Solutions	CNG kill cap for solid waste truck
20	14329	1/19	1,777.50	Alignment Express of CA, Inc.	Repairs to the dash cluster on NG-5
21	14330	1/19	313.88	AT&T Mobility (First Net)	Cell phone service
22	14331	1/19	630.00	Ayala's Car Wash	Washing and cleaning of district's fleet
23	14332	1/19	3,165.74	Bodyworks Equip. Inc.	Heil parts for solid waste trucks
24	14333	1/19	219.26	Cameron Welding Supply	Oxygen and propane welding supplies for shop
25	14334	1/19	340.81	City of Westminster-Water Billing	Westminster lift station water
26	14335	1/19	84.94	City of Westminster Hydrant	Hydrant water service Jan-2023
27	14336	1/19	296.88	Clean Energy	CNG Station service
28	14337	1/19	605.37	CRC Cloud	Monitor and printer setup
29	14338	1/19	322.13	Daniels Tire Service	Restock tires for solid waste
30	14339	1/19	1,850.70	Dartco Transmission Sales & Srvs.	Transmission repairs to NG-5 Solid Waste
31	14340	1/19	1,382.98	Driveshaftpro	Driveshaft for solid waste trucks
32	14341	1/19	482.10	Haaker Equipment Co.	Filler hoses (Q2)
33	14342	1/19	3,856.97	Hydraulic Solutions And Supplies	Hydraulic cylinders for solid waste trucks
34	14343	1/19	1,150.00	Me Viet Nam Productions	30 Minute Talk Show 12/15 - 12/16/22
35	14344	1/19	828.36	Merchants Building Maintenance, LLC	Janitorial services Jan-2023
36	14345	1/19	189.00	Petty Cash - Robert Housley	Petty Cash Jan-2023
37	14346	1/19	100.00	Pitney Bowes/Purchase Power	Postage for Dec-2023
38	14347	1/19	468.44	Snap-On Tools	Tools for shop
39	14348	1/19	1,914.01	SoCal Auto & Truck Parts, Inc.	Tools and supplies for shop use
40	14349	1/19	76.59	SoCalGas	Natural Gas for offices, shop, and wash rack
41	14350	1/19	1,349.00	Spectrum Enterprise (Time Warner Cable)	Internet Services Jan-2023
42	14351	1/19	250.18	UniFirst Corporation	Employee uniform & laundry services
43	14352	1/19	1,650.00	VNCR	Radio talk show 15 minutes 01/13 - 01/23/23
44	14353	1/19	10,028.00	Woodruff, Spradlin & Smart	Legal Services Dec -2022
45	14354	1/26	468.96	AT&T (Brookhurst Lift Station)	Brookhurst Dec - 2022
46	14355	1/26	300.00	Ayala's Car Wash	Washing and cleaning of district's fleet
47	14356	1/26	713.63	Cameron Welding Supply	Oxygen and propane welding supplies for shop
48	14357	1/26	125.00	County of Orange	WEROC emergency radio Q3 cost 1/01/23 - 03/31/23
49	14358	1/26	48.49	CRC Cloud	Screen protectors
50	14359	1/26	488.01	Daniels Tire Service	Restock tires for solid waste
51	14360	1/26	878.13	Dartco Transmission Sales & Srvs.	Restock transmission filter for solid waste trucks
52	14361	1/26	601.51	Golden Bell Products	Super butl 55-Gallon for shop (1)
53	14362	1/26	1,742.52	Los Angeles Freightliner	Power steering pump for NG-10
54	14363	1/26	1,099.64	Motion and Flow Control Products, Inc.	Hydraulic hoses for solid waste trucks and the forklift
55	14364	1/26	33.90	Pre-Paid Legal Services, Inc.	Prepaid legal Jan-2023
56	14365	1/26	10,998.50	Pumpman	Lift station pump system maintenance Q3
57	14366	1/26	171.50	Rutan & Tucker, LLP	Legal Services Dec-2022
58	14367	1/26	1,905.15	Safety-Kleen Systems, Inc.	Hydraulic oil for solid waste trucks

59	14368	1/26	89.02	Spectrum Enterprise (Time Warner Cable)	Internet Services Jan-2023
60	14369	1/26	250.18	UniFirst Corporation	Employee uniform & laundry services
61			\$ 364,596.06	CHECKS SUBTOTAL	
62					
63				PAYROLL:	MEMO
64	ACH	1/11	\$ 140,976.16	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
65	ACH	1/11	\$ 8,651.12	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
66	ACH	1/25	\$ 76,762.17	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
67	ACH	1/25	\$ 6,320.31	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
68			\$ 232,709.76	ACH TRANSFERS SUBTOTAL	
69					
70				ACH PAYMENTS:	MEMO
71	ACH	1/11	\$ 15,764.12	CalPERS	Retirement Contributions for 12/26 - 01/08/23
72	ACH	1/20	\$ 359.10	Paychex	Time & Attendance Jan-23
73	ACH	1/20	1,984.29	Chevron Texaco (Wex Bank)	Gasoline and diesel fuel for Jan-23
74	ACH	1/25	\$ 72.00	WEX Health	HRA Monthly Fee for Jan-23
75	ACH	1/26	\$ 14,954.83	CalPERS	Retirement Contributions for 01/09 - 01/22/23
76	ACH	1/26	\$ 6,874.74	CalPERS	Board of Directors Health Insurance Premiums for Jan-23
77		1/26	\$ 63,621.67	CalPERS	Active Employee and Retiree Health Ins Premiums Feb-23
78			\$ 103,630.75	ACH TRANSFERS SUBTOTAL	
79					
80			\$ 700,936.57	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
81					
82				BANK TRANSFERS:	
83	UB	1/23	\$ 322,000.00	Transfer Funds from UB Money Market to UB Checking	
84			\$ 322,000.00	BANK TRANSFERS	

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$700,936.57. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President: None

Report of Interim General Manager

Interim GM, R. Housley reported that the concrete footings for the building project would be poured on February 28, 2023, if weather cooperates.

Interim GM, R. Housley reported that on February 15, 2023 a front-loader NG17 truck struck a power line on Harper and Washington in Midway City. No injuries were sustained, our truck was not damaged, and Southern California Edison was notified.

Interim GM, R. Housley reported that the District's most recent SoCal Gas bill has doubled in price from the last couple of months. The price of gas increased from \$0.65 to \$4.30 per gallon as a result of the war in Ukraine and the winter market demand.

Interim GM, R. Housley reported that at the ISDOC General Manager's meeting they addressed the Zero-Emission Vehicle Regulation and its requirements are designed for new vehicles to reach 100% zero-emission and clean plug-in hybrid-electric in California by the 2035 model year.

Interim GM, R. Housley reported that OC LAFCO will perform a Municipal Services Review (MSR) and a Sphere of Influence (SOI) update for 25 agencies in Orange County, including Midway City Sanitary District.

Report from the Outreach Committee Meeting on February 8, 2023

Director A. Nguyen and Director C. Nguyen met with Staff to go over the radio schedule for March and to discuss promotional giveaways items.

Report from Me Vietnam Outreach on February 9, 2023

Director C. Nguyen and Director A. Nguyen attended the radio recording. They reported that there was a 15-minute recording done that will be aired 5 times in the month of February.

Report from the Franchise Committee Meeting on February 10, 2023

Director S. Contreras, Director M. Nguyen, and staff attended the meeting along with representatives from CR&R to discuss priorities and deliverables. CR&R will continue to meet with the District monthly to establish goals and get updates.

Report from the Board Off-Site Special Meeting on February 11, 2023

President T. Diep reported that all of the Directors and the Interim General Manager met to discuss the District's organizational goals and strategic priorities. President T. Diep has asked that this meeting be held annually at the start of the year.

Report from the District Employee Luncheon on February 15, 2023

Director A. Nguyen, Director M. Nguyen and Director M. Nguyen attended the luncheon. They all agreed that the food was delicious and most importantly they enjoyed interacting with the staff.

Report from OC SAN District Special Meeting on February 15, 2023

Director A. Nguyen reported that the meeting gave the attendees a broad overview of the Orange County Sanitation District's Administration and Board of Directors' roles and responsibilities. They were given a virtual tour of the Reclamation Plant No.1 and the Treatment Plant No. 2.

CONSENT CALENDAR

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve the Consent Calendar as presented. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

- A. Approved and Filed the Treasurer's Investment Report for January 2023.
- B. Approved the 2nd Quarter Fiscal Year 2022-2023 Financial Reports and Budget Review As Presented.
- C. Approved the Proposed Fiscal Year 2022-2023 Budget Adjustments No.2.
- D. Approved Attendance to the 70th Assembly District Open House March 16, 2023 for Board Members and Staff Who Wish to Attend.
- E. Approved Attendance to the California Special District Association (CSDA) Special District Legislative Days in Sacramento May 16-17, 2023, for Board Members and Staff Who Wish to Attend.
- F. Approved the February 10, 2023, Franchise Committee Report.

OLD BUSINESS

- A. Consider Approval of Additional Services Provided by Rengel+CO Architects, in the Amount of \$278,705.50 for the District's Building and Solar Project and Authorize the Interim General Manager to Execute Amendment No.1

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 approve and authorize the Interim General Manager to execute Amendment No.1 to the Professional Services Agreement, Incorporated to provide architectural and engineering design and construction support services for the District's Building Expansion and Occupied Renovation Project, to ratify all previous authorizations for additional services approved by the General Manager, and to authorize the General Manager/Interim General Manager to approve additional change orders and authorizations for additional services under the Agreement in an aggregate amount up to \$25,000. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

NEW BUSINESS

A. Consider the Creation of a Building Project Ad Hoc Committee for the Purposes of Reviewing Matters Related to the District's Building and Solar Project

President T. Diep opened the floor for nominations for the Ad Hoc Committee.

Director M. Nguyen nominated Director S. Contreras and himself to be on the Ad Hoc Committee.

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to create a temporary Ad Hoc Committee comprised of Director S. Contreras and Director M. Nguyen for the purposes of reviewing matters related to the District's building and solar project. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Consider Approval of the Outreach Committee Recommendations

A staff report and recommendations were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve of the Outreach Committee recommendations. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

C. Consider Authorizing the Purchase of Three (3) New Mack CNG Solid Waste Collection Trucks for the Solid Waste Department in the Amount of \$1,349,819.49

A staff report and recommendation were provided and considered by the Board. A motion was made by Director M. Nguyen, seconded by Director S. Contreras, to waive formal bidding and authorize the Interim General Manager to purchase three (3) new Mack CNG solid waste collection trucks for the solid waste department from Tech of California, Inc. in the total amount of \$1,349,819.49. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

D. Consider Approval to Change the Midway City Sanitary District's Internet Domain Name and Changing from a .com to .gov

A staff report and recommendations were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve changing the Midway City Sanitary District's internet domain name to mcsd.gov and to authorize the Interim General Manager to take the necessary actions to do so. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

E. Consider and Approve Scheduling the Public Budget Workshops/Study Sessions and Public Hearing for Budget Adoption for Fiscal Year 2023-2024

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to schedule the first and second public budget workshops/study sessions for March 15, 2023 at 5:30 p.m. and April 19, 2023 at 5:30 p.m. and to schedule the Public Hearing for budget adoption for fiscal year 2023-2024 for June 6, 2023 at 5:30 p.m. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

F. Appointment of Labor Negotiators Regarding General Manager Position

A staff report and recommendations were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to appoint President T. Diep, Director A. Nguyen and General Counsel, J. Eggart to serve as the Board's designated labor representative(s) for purposes of conducting labor negotiations with Interim General Manager Robert Housley regarding the position of General Manager, an unrepresented employee position. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

A. Special District Risk Management Authority (SDRMA) Spring Education Day 03-22-2023

Received and File.

BOARD CONCERNS/COMMENTS

Director C. Nguyen commended Staff for guiding the District in the right path.

GM/STAFF CONCERNS/COMMENT

Interim GM, R. Housley reminded the Directors of the upcoming Outreach Committee Meeting on March 1, 2023.

Interim GM, R. Housley commented that there wouldn't be a closed session for item 14C as identified on the agenda.

GENERAL COUNSEL CONCERNS/COMMENTS

At President T. Diep's direction, General Counsel J. Eggart convened the meeting to closed session at 7:02 PM to consider the employment and appointment of the General Manager pursuant to Government Code Section 54957(b)(1)), as identified on the agenda as item 14A, and for the Board to confer with its appointed labor negotiators pursuant to Government Code Section 54957.6, as identified on the agenda as item 14B, regarding the General Manager position and unrepresented employee R. Housley.

CLOSED EXECUTIVE SESSION

CLOSED SESSION: During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chair may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government Code Sections 54956.8, 54956.9, 54957 or 54957.6, as noted.

Reports relating to (a) purchase and sale of property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time as the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

A. PUBLIC EMPLOYEE EMPLOYMENT / APPOINTMENT (Government Code Section 54957(b)(1)) Title: General Manager

B. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
Agency Designated Representatives: To be Appointed in Open Session
Unrepresented Employee: Robert Housley

C. 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

President T. Diep reconvened the open session portion of the meeting at 7:02 PM.

General Counsel J. Eggart reported that the Board had met in closed session for the purposes identified on Agenda Items 14A and 14B and that no reportable action had been taken.

ADJOURNMENT

President T. Diep adjourned the meeting at 7:03 PM to the next Board meeting to be held at the District on Tuesday, March 7, 2023 at 5:30 PM.

Andrew Nguyen, Secretary

AGENDA ITEM 5A

Date: March 7, 2023

To: Board of Directors

Prepared by: Robert Housley, Director of Finance & Human Resources

Subject: Approval of Demands in the Amount of \$612,935.61

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 demands on the attached register have been duly reviewed by the Treasurer.

FISCAL IMPACT

The total value of demands for this period is \$612,935.61. This includes expenses, payroll and payroll related disbursements.

Sufficient funds are available to process all payments.

RECOMMENDATION

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

**DISBURSEMENTS FOR
March 7, 2023**

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14400	2/16	2,744.00	Advanced Thermal Products, Inc	Pipe blankets for solid waste trucks
2	14401	2/16	313.88	AT&T Mobility (First Net)	Cell phone service Jan-2023
3	14402	2/16	880.00	Ayala's Car Wash	Washing and cleaning of district's fleet
4	14403	2/16	207.53	Clean Energy	CNG Station service repair
5	14404	2/16	2,160.63	CRC Cloud	Replace broken computer with laptop
6	14405	2/16	3,222.17	Cummins Pacific LLC	Valve pressure regulator and repair for solid waste truck
7	14406	2/16	1,680.90	Daniels Tire Service	Restock tires for solid waste
8	14407	2/16	5,082.50	Davis Farr LLP	Accounting assistance Dec-2022
9	14408	2/16	1,979.78	Dtntech	March and April clean up mailer
10	14409	2/16	102.65	Grainger	Brass drain for radiator system for solid waste trucks
11	14410	2/16	937.13	Haaker Equipment Co.	Swivel fittings for sewer truck
12	14411	2/16	8.93	Hillco Fastener Warehouse Inc.	Restock lock nuts and bolts for solid waste
13	14412	2/16	828.36	Merchants Building Maintenance, LLC	Janitorial services Feb-2023
14	14413	2/16	1,715.00	Rutan & Tucker, LLP	Legal Services Jan-2023
15	14414	2/16	3,882.91	SDRMA - Employee Benefits	Dental and vision benefits Mar-2023
16	14415	2/16	547.91	Snap-On Tools	Tools for shop use
17	14416	2/16	41,869.39	SoCalGas	Natural Gas for offices, shop, and wash rack Jan-2023
18	14417	2/16	1,349.00	Spectrum Enterprise (Time Warner Cable)	Internet Services Feb-2023
19	14418	2/16	7,100.29	Sunrise Automotive (T. Rev's Inc.)	G-2 Ford maintenance and labor
20	14419	2/16	1,355.00	Tesco Controls, Inc.	Troubleshoot network connection at Willow lift station
21	14420	2/16	268.15	UniFirst Corporation	Employee uniform & laundry services
22	14421	2/16	934.42	SoCal Auto & Truck Parts, Inc.	Wrench set for the Shop
23	14422	2/23	940.00	Advanced Thermal Products, Inc	Pipe blankets for solid waste trucks
24	14423	2/23	13,874.50	AKM Consulting Engineers, Inc.	SSMP consultant 01/03 - 01/27/23
25	14424	2/23	1,059.50	Alignment Express of CA, Inc.	NG-10 hydraulic leaks repair, service and labor
26	14425	2/23	468.81	AT&T (Brookhurst Lift Station)	Brookhurst Jan-2023
27	14426	2/23	440.00	Ayala's Car Wash	Washing and cleaning of district's fleet
28	14427	2/23	84.94	City of Westminster Hydrant	Hydrant water service Feb-2023
29	14428	2/23	168,081.43	CR Transfer, Inc.	Tonnage Fees Dec-2022
30	14429	2/23	6,103.40	Cummins Pacific LLC	Ignition coil and seals for CNG system
31	14430	2/23	8,804.13	Daniels Tire Service	Restock tires for solid waste
32	14431	2/23	390.19	Hill's Bros. Lock & Safe, Inc.	Safe replacement keypad
33	14432	2/23	178.32	Hose-Man, Inc.	Silicone heater hose for solid waste trucks
34	14433	2/23	540.00	MemorialCare Medical Foundation	DMV physicals and random drug testing - all departments
35	14434	2/23	804.23	Merchants Building Maintenance, LLC	Janitorial services Dec-2022
36	14435	2/23	1,382.95	NVB Equipment, Inc.	A/C repairs NG-2 solid waste truck
37	14436	2/23	100.00	Pitney Bowes/Purchase Power	Postage for Jan-2023
38	14437	2/23	33.90	Pre-Paid Legal Services, Inc.	Prepaid legal Feb-2023
39	14438	2/23	116.14	Sign Design	Decals for NG-18
40	14439	2/23	300.62	Snap-On Tools	Magnet panel tray for G-2
41	14440	2/23	8,495.55	Southern California Edison	District Offices, CNG station, and lift stations
42	14441	2/23	9,271.83	TEC Of California, Inc.	Restock parts, supplies, fleet repairs and maintenance
43	14442	2/23	1,011.77	TSP Printing	Driver Vehicle Inspection Books(2,750)
44	14443	2/23	279.34	UniFirst Corporation	Employee uniform & laundry services
45	14444	2/23	1,109.94	Union Bank (First Bankcard)	New tailgate pump for T-9 Bulky Truck
46	14445	2/23	206,496.33	Woodcliff Corporation - Contractor	Building project pay application #4 Jan-2023
47	14446	2/23	10,868.23	Woodcliff Corporation - Escrow Account	Building project pay application #4 - Retention payment
48			\$ 520,406.58	CHECKS SUBTOTAL	
49					
50				PAYROLL:	MEMO
51	ACH	2/22	\$ 66,600.62	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
52	ACH	2/22	\$ 5,300.27	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
53	ACH	2/23	\$ 5,375.83	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
54			\$ 77,276.72	ACH TRANSFERS SUBTOTAL	
55					
56				ACH PAYMENTS:	MEMO
57	ACH	2/16	1,629.93	Chevron Texaco (Wex Bank)	Gasoline and diesel fuel for Feb-2023
58	ACH	2/22	\$ 15,252.31	CalPERS	Retirement Contributions for 02/06 - 02/19/23
59			\$ 15,252.31	ACH TRANSFERS SUBTOTAL	
60					
61			\$ 612,935.61	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
62					
63				BANK TRANSFERS:	
64	UB		\$ 500,000.00	Transfer Funds from LAIF to UB Checking	
65			\$ 500,000.00	BANK TRANSFERS	

AGENDA ITEM 7A

Date: March 7, 2023

To: Board of Directors

Prepared by: Robert Housley, Interim General Manager

Subject: Recognition and Approval of a 10-year Safety Award for Lead Sewer Maintenance Worker, Randy Griffith, in the Amount of \$300.00

BACKGROUND

As of February 19, 2023, Lead Sewer Maintenance Worker, Randy Griffith is eligible for the 10-year Safety Award.

To promote safety in the operation of District equipment and the encouragement of safety in personal work habits, the Board of Directors has set as District policy the following program:

Accident and Injury Free Awards - All Operations Employees

5 yrs	\$200.00
10 yrs	\$300.00
15 yrs	\$500.00
20 yrs	Honor plaque and \$750.00
25 yrs	Honor plaque and \$1,000.00

STAFF RECOMMENDATION

Staff recommends that the Board of Directors approve a 10-year safety award for Lead Sewer Maintenance Worker, Randy Griffith, in the amount of \$300.00.

FISCAL IMPACT

\$300.00

AGENDA ITEM 7B

Date: March 1, 2023

To: Board of Directors

Prepared by: Cynthia Olsder, Executive/Board Secretary

Subject: Approval of the Outreach Committee Recommendations

BACKGROUND

At the April 5, 2022 meeting the Board approved the formation of a standing Outreach Committee. The Outreach Committee recommends to meet regularly on the first Wednesday of each month, to plan and discuss upcoming outreach activities. The weekly calendar will be used to communicate what outreach activities are happening for the upcoming week. The Committee recommends continued radio and media outreach, averaging up to two radio programs per month on an ongoing basis.

The Outreach Committee met on March 1, 2023 and their recommendations are as follows:

1. The Committee recommends Staff to research additional promotional giveaway products and offer a list of things that are reasonably priced options.
2. The Committee recommends Staff to present the promotional giveaway budget from the prior year and report back at the next Committee meeting.
3. The Committee recommends Staff to come up with ideas for an event to educated local children about waste and recycling, possibly in collaboration with the city of Westminster. The Committee recommends either going to the schools or inviting children to tour the District with food and entertainment. Staff to gather more information and report back at the next Committee meeting.
4. The Committee recommends Staff to expand training opportunities for Directors and Staff. A tour of CR&R's anaerobic digester (AD) facility in Perris, CA was recommended. Staff will get in touch with CR&R and report back with more details.
5. The Committee recommends Staff to look into strategies for promoting the District so that it can receive recognition or an award.

6. The Committee recommends rescheduling with the Radio station that was missed in February. It was recommended that Director C. Nguyen and Director A. Nguyen to do the radio outreach with VietLink. An appointment will be set up in March.
7. The Committee recommends President T. Diep and Director A. Nguyen to do the radio outreach with VietLink. An appointment will be set up in April.
8. The Committee recommends Director M. Nguyen and Director S. Contreras to do the radio outreach with Me Vietnam. An appointment will be set up in April.
9. The next outreach committee meeting is planned for April 5, 2023 at 12:00 noon.

STAFF RECOMMENDATION

Staff recommends that the Board of Directors approve the Outreach Committee's recommendations as presented.

FISCAL IMPACT

The potential fiscal impact of the Outreach Committee's recommendations are as follows:

- Monthly radio outreach \$ 3,000.00

AGENDA ITEM 9A

Date: March 7, 2023

To: Board of Directors

Prepared by: Robert Housley, Interim General Manager

Subject: **A RESOLUTION NO. 2023-04 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE 2023-2024 SALARY SCHEDULE FOR NON-REPRESENTED EMPLOYEES**

BACKGROUND

Accurate payroll reporting is crucial for providing accurate member retirement benefits. The purpose of this resolution is to adopt a District wide salary schedule pursuant to Public Employees' Retirement Law (PERL).

Only those pay amounts that meet the definition of compensation earnable are used when calculating retirement benefits. Compensation earnable is clarified by California Code of Regulations Section 570.5.

Pursuant to the regulations the Midway City Sanitary District is required to adopt a pay schedule that meets all of the following requirements:

1. identifies the position title for every employee position;
2. shows the pay rate for each identified position, which may be stated as a single amount or multiple amounts within a range;
3. indicates the time base of the range such as hourly, monthly, or annually;
4. is posted at the office or immediately accessible and available for public review during normal business hours or posted on the District's website
5. indicates an effective date and date of any revisions;
6. is retained by the District and available for public inspection for not less than five years;
7. does not reference another document in lieu of disclosing the pay rate.

STAFF RECOMMENDATION

Staff recommends the Board of Directors approve Resolution No. 2023-04 to adopt a salary schedule for non-represented employees.

FISCAL IMPACT

The salary scales are reflective of the District's current structure and are competitive within the sanitary district industry. This salary schedule includes a 3.0% Cost of Living Allowance (COLA). The potential fiscal impact is \$27,500 for the fiscal year 2023-2024.

Attachment: Resolution 2023-04 adopting the 2023-2024 salary schedule for non-represented employees

RESOLUTION NO. 2023-04

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDWAY CITY SANITARY DISTRICT OF
ORANGE COUNTY, CALIFORNIA, ADOPTING THE
2023-2024 SALARY SCHEDULE FOR NON-
REPRESENTED EMPLOYEES**

WHEREAS, California Code Regulations, Title 2, Section 570.5 was adopted by CalPERS to provide specific requirements on how public agencies should document pay rates;

WHEREAS, to comply with Section 570. 5, the District's salary schedule listing all titles for every employee position, pay rates for each position, and the time base for each pay rate must be adopted by the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED THAT, in accordance with California Code Regulations, Title 2, Section 570.5, the Board of Directors of the Midway City Sanitary District hereby adopts the Salary Schedule, Effective July 1, 2023 – June 30, 2024, which is attached hereto as Exhibit A.

PASSED AND ADOPTED, at a regular meeting of the Board of Directors of Midway City Sanitary District of Orange County, California, held this 7th day of March, 2023.

Tyler Diep, President

ATTEST:

Andrew Nguyen, Secretary

CERTIFICATION

I, Andrew Nguyen, Secretary of the MIDWAY CITY SANITARY DISTRICT of Orange County, California, do hereby certify that the foregoing Resolution No. 2023-04 was duly adopted at a meeting of the Governing Board of said District held on the 7th day of March, 2023 by the following vote of the members of the Board:

AYES:
NOES:
ABSENT:

and I further certify that Tyler Diep, as President, and Andrew Nguyen, as Secretary, signed and approved said Resolution No. 2023-04 on the 7th day of March, 2023.

Andrew Nguyen, Secretary

(District Seal)

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Andrew Nguyen, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing is a full, true and correct copy of Resolution No 2023-04 passed and adopted by the Board of Directors of said District at a meeting thereof held on the 7th day of March, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 7th day of March, 2023.

Andrew Nguyen, Secretary

EXHIBIT 'A'
MIDWAY CITY SANITARY DISTRICT
Pay Schedule
Fiscal Year 2023-2024
Effective 07/01/2023

NON-REPRESENTED EMPLOYEES
Effective 07-01-2023

JOB TITLE								
EXECUTIVE/BOARD SECRETARY								
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	3,159.20	3,269.60	3,384.00	3,502.40	3,625.60	3,752.00	3,883.20	4,018.40
MONTHLY	6,844.93	7,084.13	7,332.00	7,588.53	7,855.47	8,129.33	8,413.60	8,706.53
ANNUAL	82,139.20	85,009.60	87,984.00	91,062.40	94,265.60	97,552.00	100,963.20	104,478.40
BASE PAY RATE PER HOUR	\$39.49	\$40.87	\$42.30	\$43.78	\$45.32	\$46.90	\$48.54	\$50.23
ADMIN SECRETARY/ACCOUNTANT								
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,548.00	2,638.40	2,729.60	2,825.60	2,924.00	3,026.40	3,132.80	3,242.40
MONTHLY	5,520.67	5,716.53	5,914.13	6,122.13	6,335.33	6,557.20	6,787.73	7,025.20
ANNUAL	66,248.00	68,598.40	70,969.60	73,465.60	76,024.00	78,686.40	81,452.80	84,302.40
BASE PAY RATE PER HOUR	\$31.85	\$32.98	\$34.12	\$35.32	\$36.55	\$37.83	\$39.16	\$40.53
ADMIN SECRETARY/HUMAN RESOURCES COORDINATOR								
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,548.00	2,638.40	2,729.60	2,825.60	2,924.00	3,026.40	3,132.80	3,242.40
MONTHLY	5,520.67	5,716.53	5,914.13	6,122.13	6,335.33	6,557.20	6,787.73	7,025.20
ANNUAL	66,248.00	68,598.40	70,969.60	73,465.60	76,024.00	78,686.40	81,452.80	84,302.40
BASE PAY RATE PER HOUR	\$31.85	\$32.98	\$34.12	\$35.32	\$36.55	\$37.83	\$39.16	\$40.53
ADMIN SECRETARY/RECEPTIONIST								
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,548.00	2,638.40	2,729.60	2,825.60	2,924.00	3,026.40	3,132.80	3,242.40
MONTHLY	5,520.67	5,716.53	5,914.13	6,122.13	6,335.33	6,557.20	6,787.73	7,025.20
ANNUAL	66,248.00	68,598.40	70,969.60	73,465.60	76,024.00	78,686.40	81,452.80	84,302.40
BASE PAY RATE PER HOUR	\$31.85	\$32.98	\$34.12	\$35.32	\$36.55	\$37.83	\$39.16	\$40.53
DISTRICT ENGINEER								
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	3,961.60	4,131.20	4,301.60	4,471.20	4,640.80	4,810.40	4,980.00	5,150.40
MONTHLY	8,583.47	8,950.93	9,320.13	9,687.60	10,055.07	10,422.53	10,790.00	11,159.20
ANNUAL	103,001.60	107,411.20	111,841.60	116,251.20	120,660.80	125,070.40	129,480.00	133,910.40
BASE PAY RATE PER HOUR	\$49.52	\$61.64	\$53.77	\$55.89	\$58.01	\$60.13	\$62.25	\$64.38
DIRECTOR OF FINANCE & HUMAN RESOURCES								
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	4,995.20	5,271.20	5,546.40	5,822.40	6,097.60	6,373.60	6,648.80	6,924.80
MONTHLY	10,822.93	11,420.93	12,017.20	12,615.20	13,211.47	13,809.47	14,405.73	15,003.73
ANNUAL	129,875.20	137,051.20	144,206.40	151,382.40	158,537.60	165,713.60	172,868.80	180,044.80
BASE PAY RATE PER HOUR	\$62.44	\$65.89	\$69.33	\$72.78	\$76.22	\$79.67	\$83.11	\$86.56
DIRECTOR OF OPERATIONS & SAFETY								
	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	4,607.20	4,825.60	5,043.20	5,261.60	5,479.20	5,697.60	5,915.20	6,133.60
MONTHLY	9,982.27	10,455.47	10,926.93	11,400.13	11,871.60	12,344.80	12,816.27	13,289.47
ANNUAL	119,787.20	125,465.60	131,123.20	136,801.60	142,459.20	148,137.60	153,795.20	159,473.60
BASE PAY RATE PER HOUR	\$57.59	\$60.32	\$63.04	\$65.77	\$68.49	\$71.22	\$73.94	\$76.67

AGENDA ITEM 9B

Date: March 7, 2023

To: Board of Directors

Prepared by: Robert Housley, Interim General Manager

Subject: **A RESOLUTION NO. 2023-05 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE 2023-2024 SALARY SCHEDULE FOR REPRESENTED EMPLOYEES**

BACKGROUND

Accurate payroll reporting is crucial for providing accurate member retirement benefits. The purpose of this resolution is to adopt a District wide salary schedule pursuant to Public Employees' Retirement Law (PERL).

Only those pay amounts that meet the definition of compensation earnable are used when calculating retirement benefits. Compensation earnable is clarified by California Code of Regulations Section 570.5.

Pursuant to the regulations the Midway City Sanitary District is required to adopt a pay schedule that meets all of the following requirements:

1. identifies the position title for every employee position;
2. shows the pay rate for each identified position, which may be stated as a single amount or multiple amounts within a range;
3. indicates the time base of the range such as hourly, monthly, or annually;
4. is posted at the office or immediately accessible and available for public review during normal business hours or posted on the District's website;
5. indicates an effective date and date of any revisions;
6. is retained by the District and available for public inspection for not less than five years;
7. does not reference another document in lieu of disclosing the pay rate.

The adoption of this resolution is solely for the purpose of complying with the regulations. The salary ranges have been previously approved by the Board of Directors through collective bargaining agreements and non-represented and management positions have been previously approved. There are no salary changes to any employee as a result of this action or any salary range adjustments.

STAFF RECOMMENDATION

Staff recommends the Board of Directors approve Resolution No. 2023-05 to adopt a Salary Schedule for represented employees.

FISCAL IMPACT

The salary scales are reflective of the District's current structure and are competitive within the industry. This salary schedule includes a 3.0% Cost of Living Allowance (COLA) as approved during the MOU process. The potential fiscal impact is \$49,000 for the fiscal year 2023-2024.

Attachments:

- Resolution 2023-05 Adopting the 2023-2024 Salary Schedule for Represented Employees

RESOLUTION NO. 2023-05

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDWAY CITY SANITARY DISTRICT OF
ORANGE COUNTY, CALIFORNIA, ADOPTING THE
2023-2024 SALARY SCHEDULE FOR REPRESENTED
EMPLOYEES**

WHEREAS, California Code Regulations, Title 2, Section 570.5 was adopted by CaIPERS to provide specific requirements on how public agencies should document pay rates;

WHEREAS, to comply with Section 570. 5, the District's salary schedule listing all titles for every employee position, pay rates for each position, and the time base for each pay rate must be adopted by the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED THAT, in accordance with California Code Regulations, Title 2, Section 570.5, the Board of Directors of the Midway City Sanitary District hereby adopts the Salary Schedule, Effective July 1, 2023 – June 30, 2024, which is attached hereto as Exhibit A.

PASSED AND ADOPTED, at a regular meeting of the Board of Directors of Midway City Sanitary District of Orange County, California, held this 7th day of March, 2023.

Tyler Diep, President

ATTEST:

Andrew Nguyen, Secretary

CERTIFICATION

I, Andrew Nguyen, Secretary of the MIDWAY CITY SANITARY DISTRICT of Orange County, California, do hereby certify that the foregoing Resolution No. 2023-05 was duly adopted at a meeting of the Governing Board of said District held on the 7th day of March, 2023 by the following vote of the members of the Board:

AYES:
NOES:
ABSENT:

and I further certify that Tyler Diep, as President, and Andrew Nguyen, as Secretary, signed and approved said Resolution No. 2023-05 on the 7th day of March, 2023.

Andrew Nguyen, Secretary

(District Seal)

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Andrew Nguyen, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing is a full, true and correct copy of Resolution No 2023-05 passed and adopted by the Board of Directors of said District at a meeting thereof held on the 7th day of March, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 7th day of March, 2023.

Andrew Nguyen, Secretary

EXHIBIT 'A'
MIDWAY CITY SANITARY DISTRICT
 District Wide Pay Schedule
 Fiscal Year 2023-2024
 Effective 07/01/2023

REPRESENTED EMPLOYEES
 Effective 07-01-2023

JOB TITLE								
LEAD SOLID WASTE WORKER (Supervisor)	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,589.60	2,685.60	2,783.20	2,932.00	3,085.60	3,247.20	3,417.60	3,589.60
MONTHLY	5,610.80	5,818.80	6,030.27	6,352.67	6,685.47	7,035.60	7,404.80	7,777.47
ANNUAL	67,329.60	69,825.60	72,363.20	76,232.00	80,225.60	84,427.20	88,857.60	93,329.60
BASE PAY RATE PER HOUR	\$32.37	\$33.57	\$34.79	\$36.65	\$38.57	\$40.59	\$42.72	\$44.87
with CWEA Grade 1 Cert. +3%	33.34	34.58	35.83	37.75	39.73	41.81	44.00	46.22
SOLID WASTE DRIVER	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,053.60	2,103.20	2,156.80	2,204.00	2,253.60	2,303.20	2,358.40	2,448.80
MONTHLY	4,449.47	4,556.93	4,673.07	4,775.33	4,882.80	4,990.27	5,109.87	5,305.73
ANNUAL	53,393.60	54,683.20	56,076.80	57,304.00	58,593.60	59,883.20	61,318.40	63,668.80
BASE PAY RATE PER HOUR	\$25.67	\$26.29	\$26.96	\$27.55	\$28.17	\$28.79	\$29.48	\$30.61
with CWEA Grade 1 Cert. +3%	26.44	27.08	27.77	28.38	29.02	29.65	30.36	31.53
RELIEF DRIVER/UTILITY PERSON (with a class B License)	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,053.60	2,103.20	2,156.80	2,204.00	2,253.60	2,303.20	2,358.40	2,448.80
MONTHLY	4,449.47	4,556.93	4,673.07	4,775.33	4,882.80	4,990.27	5,109.87	5,305.73
ANNUAL	53,393.60	54,683.20	56,076.80	57,304.00	58,593.60	59,883.20	61,318.40	63,668.80
BASE PAY RATE PER HOUR	\$25.67	\$26.29	\$26.96	\$27.55	\$28.17	\$28.79	\$29.48	\$30.61
with CWEA Grade 1 Cert. +3%	26.44	27.08	27.77	28.38	29.02	29.65	30.36	31.53
UTILITY PERSON (without a class B License)	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	1,702.40	1,767.20	1,828.80	1,896.80	1,968.80	2,039.20	2,154.40	2,204.80
MONTHLY	3,688.53	3,828.93	3,962.40	4,109.73	4,265.73	4,418.27	4,667.87	4,777.07
ANNUAL	44,262.40	45,947.20	47,548.80	49,316.80	51,188.80	53,019.20	56,014.40	57,324.80
BASE PAY RATE PER HOUR	\$21.28	\$22.09	\$22.86	\$23.71	\$24.61	\$25.49	\$26.93	\$27.56
LEAD SEWER MAINTENANCE WORKER (Supervisor)	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,589.60	2,685.60	2,783.20	2,932.00	3,085.60	3,247.20	3,417.60	3,589.60
MONTHLY	5,610.80	5,818.80	6,030.27	6,352.67	6,685.47	7,035.60	7,404.80	7,777.47
ANNUAL	67,329.60	69,825.60	72,363.20	76,232.00	80,225.60	84,427.20	88,857.60	93,329.60
BASE PAY RATE PER HOUR	\$32.37	\$33.57	\$34.79	\$36.65	\$38.57	\$40.59	\$42.72	\$44.87
with CWEA Grade 1 Cert. +3%	33.34	34.58	35.83	37.75	39.73	41.81	44.00	46.22
with CWEA Grade 2 Cert. +1.5%	33.84	35.10	36.37	38.32	40.32	42.43	44.66	46.91
with CWEA Grade 3 Cert. +1%	34.18	35.45	36.73	38.70	40.73	42.86	45.11	47.38
with CWEA Grade 4 Cert. +1%	34.52	35.80	37.10	39.09	41.13	43.29	45.56	47.85
PUMP STATION MECHANIC	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,358.40	2,453.60	2,548.80	2,645.60	2,749.60	2,838.40	2,931.20	3,023.20
MONTHLY	5,109.87	5,316.13	5,522.40	5,732.13	5,957.47	6,149.87	6,350.93	6,550.27
ANNUAL	61,318.40	63,793.60	66,268.80	68,785.60	71,489.60	73,798.40	76,211.20	78,603.20
BASE PAY RATE PER HOUR	\$29.48	\$30.67	\$31.86	\$33.07	\$34.37	\$35.48	\$36.64	\$37.79
with CWEA Grade 1 Cert. +3%	30.36	31.59	32.82	34.06	35.40	36.54	37.74	38.92
with CWEA Grade 2 Cert. +1.5%	30.82	32.06	33.31	34.57	35.93	37.09	38.31	39.51
with CWEA Grade 3 Cert. +1%	31.13	32.38	33.64	34.92	36.29	37.46	38.69	39.90
with CWEA Grade 4 Cert. +1%	31.44	32.71	33.98	35.27	36.65	37.84	39.08	40.30
SEWER MAINTENANCE WORKER	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,092.00	2,188.00	2,284.80	2,377.60	2,472.80	2,570.40	2,664.80	2,758.40
MONTHLY	4,532.67	4,740.67	4,950.40	5,151.47	5,357.73	5,569.20	5,773.73	5,976.53
ANNUAL	54,392.00	56,888.00	59,404.80	61,817.60	64,292.80	66,830.40	69,284.80	71,718.40
BASE PAY RATE PER HOUR	\$26.15	\$27.35	\$28.56	\$29.72	\$30.91	\$32.13	\$33.31	\$34.48
with CWEA Grade 1 Cert. +3%	26.93	28.17	29.42	30.61	31.84	33.09	34.31	35.51
with CWEA Grade 2 Cert. +1.5%	27.34	28.59	29.86	31.07	32.31	33.59	34.82	36.05
with CWEA Grade 3 Cert. +1%	27.61	28.88	30.16	31.38	32.64	33.93	35.17	36.41
with CWEA Grade 4 Cert. +1%	27.89	29.17	30.46	31.70	32.96	34.27	35.52	36.77
LEAD FLEET MAINTENANCE MECHANIC (Supervisor)	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,589.60	2,685.60	2,783.20	2,932.00	3,085.60	3,247.20	3,417.60	3,589.60
MONTHLY	5,610.80	5,818.80	6,030.27	6,352.67	6,685.47	7,035.60	7,404.80	7,777.47
ANNUAL	67,329.60	69,825.60	72,363.20	76,232.00	80,225.60	84,427.20	88,857.60	93,329.60
BASE PAY RATE PER HOUR	\$32.37	\$33.57	\$34.79	\$36.65	\$38.57	\$40.59	\$42.72	\$44.87
with CWEA Grade 1 Cert. +3%	33.34	34.58	35.83	37.75	39.73	41.81	44.00	46.22
MECHANIC	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
BI-WEEKLY	2,358.40	2,453.60	2,548.80	2,645.60	2,749.60	2,839.20	2,931.20	3,023.20
MONTHLY	5,109.87	5,316.13	5,522.40	5,732.13	5,957.47	6,151.60	6,350.93	6,550.27
ANNUAL	61,318.40	63,793.60	66,268.80	68,785.60	71,489.60	73,819.20	76,211.20	78,603.20
BASE PAY RATE PER HOUR	\$29.48	\$30.67	\$31.86	\$33.07	\$34.37	\$35.49	\$36.64	\$37.79
with CWEA Grade 1 Cert. +3%	30.36	31.59	32.82	34.06	35.40	36.55	37.74	38.92

AGENDA ITEM 9C

Date: March 7, 2023

To: Board of Directors

Prepared By: James H. Eggart, General Counsel

Subject: Consider Approval of General Manager Employment
Agreement With Robert Housley

BACKGROUND/DISCUSSION

Former General Manager Kenneth Robbins retired from the District effective December 30, 2022. On November 1, 2022, the Board of Directors appointed the District's long-time Director of Finance and Human Resources, Robert Housley, to serve as the interim General Manager while the Board evaluated filling the position permanently. Mr. Housley has served as interim General Manager since December 31, 2022.

On February 21, 2023, the Board appointed General Counsel James Eggart, President Tyler Diep, and Director Charlie Nguyen to serve as labor negotiators for the purpose of negotiating an employment agreement with Robert Housley to serve as General Manager. The Board's negotiators have reached a final agreement with Mr. Housley regarding proposed terms and conditions of his employment as General Manager, subject to approval by the Board of an employment agreement. General Counsel has prepared a proposed General Manager employment agreement based on the negotiated terms and conditions tentatively agreed to by the parties.

Pertinent terms of the Agreement are as follows:

- The Agreement takes effect March 8, 2023, and continues for a Term of three years, through March 8, 2026.
- The General Manager is employed by District in an "at-will" capacity serving at the pleasure of the District Board. Either the District Board or General Manager may terminate this Agreement at any time with or without cause.
- If the Agreement is terminated by the District without cause, Mr. Housley is entitled to a lump sum severance benefit equal to his monthly salary at the time of separation multiplied by the number of months left on the unexpired term of this Agreement, not to exceed six months of salary. Mr. Housley would not be entitled to any severance payment if he is terminated for cause.
- Mr. Housley will be paid an annual base salary of \$195,000 per year. Any increases in this annual base salary during the Term of the Agreement will be

in the sole discretion of the Board and may be set forth in a resolution adopted by the Board at a regularly scheduled meeting without the need for an amendment to the Agreement.

- Mr. Housley will be entitled to receive the same benefits provided other unrepresented (non-union) District management employees. These benefits include, but are not limited to: health insurance (medical, dental, vision), health reimbursement arrangement, holidays, supplemental retirement contribution, group life insurance, sick leave, jury duty leave, and bereavement leave.
- Mr. Housley is entitled to receive vacation time and sick leave each year in accordance with the vacation and sick leave accrual policies applicable to the District's unrepresented (non-union) employees, as such policies may be periodically amended by the District Board. Mr. Housley shall retain any vacation and sick leave that he has accrued as Interim General Manager as of March 7, 2023, subject to any applicable accrual caps.
- Mr. Housley will continue to be a member of the District's retirement plan pursuant to the District's contract with the California Public Employment Retirement System ("PERS").
- Mr. Housley will be assigned a District vehicle to use for District business.
- The District will pay for certain professional development expenses and non-personal, job-related expenses incurred by Mr. Housley.
- The Board shall review and evaluate the performance of General Manager at least once each year during the Term of the Agreement. Following each annual performance evaluation, the Board may, at its sole discretion, grant Mr. Housley a performance bonus equal to 0 – 10% of his then-current annual base salary.

Mr. Housley has worked for the Midway City Sanitary District since 2008 and, in addition to recently serving as the Interim General Manager, also served as Director of Finance and Human Resources for the District. He also previously served as Finance Director to the Altadena Library District and worked as a business officer for the Buena Park Library District from 2001-2007. Mr. Housley holds a Bachelor of Arts degree in business administration and a Masters of Business Administration degree with an emphasis in Accounting from the University of La Verne.

REQUIRED ORAL REPORT:

Government Code Section 54953(c)(3) requires the governing bodies of local agencies to “orally report a summary of a recommendation” for salaries, salary schedules, or compensation paid in the form of fringe benefits of local agency executives before taking a final vote. The summary of the recommendation must be made “during the open meeting in which the final action is to be taken.” In accordance with this State law requirement, prior to the Board taking final action to approve the proposed employment contract, General Counsel will make the required oral report in accordance with Government Code Section 54953(c)(3).

STAFF RECOMMENDATION

General Counsel recommends that the Board take the following actions:

- 1) Receive an oral report providing a summary of proposed salary and benefits for Robert Housely to serve as General Manager;
- 2) Appoint Robert Housley as General Manager, effective March 8, 2023;
and
- 3) Approve the proposed General Manager Employment Agreement between the District and Robert Housely.

FISCAL IMPACT

Under the proposed Agreement, Robert Housley’s base salary would increase from \$181,000 to \$195,000. There would not be a significant change in his benefits.

Attachment: Proposed General Manager Employment Agreement

EMPLOYMENT AGREEMENT GENERAL MANAGER

THIS EMPLOYMENT AGREEMENT (the “Agreement”) is made and entered into, to be effective March 8, 2023 (“Effective Date”), by and between the MIDWAY DISTRICT SANITARY DISTRICT, a California municipal corporation organized and existing under the laws of the State of California (hereinafter referred to as “District”), and ROBERT HOUSLEY, an individual (hereinafter referred to as “Housley” or “General Manager”). District and Housley are sometimes hereinafter individually referred to as “party” and are hereinafter collectively referred to as the “parties.”

RECITALS

A. In order to ensure that its governmental responsibilities are met at all times, the District must attract and retain in its employment executive management personnel who exhibit the highest degree of knowledge, experience, technical ability, professionalism, and leadership qualities.

B. In order to attract and retain in its employment a General Manager who possesses those qualities and the experience necessary to continue to fulfill the District’s immediate and long-term goals and policy objectives, the Board of Directors (“Board”) of the District has determined that it is advisable to retain and appoint Robert Housley as General Manager and to enter into this Employment Agreement. All District actions referred to in this Agreement shall mean actions taken by a majority of the Board of Directors.

C. In recognition of Housley’s qualifications, performance history, and his dedication and loyalty to the District, as demonstrated by his leadership, knowledge, experience, technical abilities, and professionalism over the course of his career in public finance, human resources, and administration, including his exemplary service to the District for the past fifteen years, the District Board now wishes to retain Housley as General Manager.

D. District and Housley, therefore, desire to enter into this Agreement in order to specify the terms and conditions of Housley’s employment with the District as General Manager.

THEREFORE, IT IS AGREED AS FOLLOWS:

Section 1: Appointment and Term

A. District hereby appoints and retains Housley to serve as General Manager of the District and Housley hereby accepts such employment with District beginning on March 8, 2023, and continuing for the Term set forth in Paragraph B or Housley or District terminate this Agreement pursuant to Section 7 below. The General Manager is employed by District in an “at-will” capacity serving at the pleasure of the District Board. Either the District Board or General Manager may terminate this Agreement at any time with or without cause and in its or his sole discretion, as set forth in this Agreement.

B. The Term of this Agreement shall be for three years, commencing on March 8, 2023, and ending at midnight on March 8, 2026, unless extended or terminated as provided for herein. District and General Manager may extend the Term of this Agreement by mutual written agreement, which shall be memorialized in an amendment to this Agreement. District and General Manager each agrees, if practicable, to provide the other with advance written notice of its or his intent not to renew this Agreement at least thirty days prior to expiration of the Term; provided, however that neither the non-renewal of this Agreement, nor the failure to provide notice of the intent not to renew this Agreement, shall constitute a breach of this Agreement or “termination” of the Agreement pursuant to Section 7 below.

Section 2: General Duties

Housley shall serve as the General Manager of the District. In that capacity, Housley shall perform all customary and legal functions and duties of the General Manager and administrative head of the District, and all services, acts, or things necessary or advisable to manage and conduct the business of District, as the District, by and through its duly elected Board of Directors, may legally and properly determine and assign to that position, including, but not limited to, the hiring and firing of all employees other than the District’s General Counsel.

Section 3: Devotion to District’s Business and Hours of Work

A. Housley’s position as General Manager is considered a full-time position. General Manager shall devote his time, ability, and attention to the business of the District during the term of this Agreement.

B. Except as otherwise provided herein, General Manager shall not engage in any other business, educational, or professional pursuits whatsoever, or directly or indirectly render any service of a business, commercial, or professional nature to any other person or organization, whether for compensation or otherwise (excluding honoraria or the reimbursement of expenses), without the prior consent of the District Board. Housley may expend reasonable amounts of time for educational, charitable, personal, or professional activities which shall not be deemed a breach of this Agreement if those activities do not conflict or materially interfere with the professional services required under this Agreement; such limited activities shall not require the prior consent of the District Board.

C. Nothing in this Agreement prohibits General Manager from making passive personal investments or conducting private business affairs, if those activities are not deemed to be a conflict of interest under state law or conflict or materially interfere with the professional management services required under this Agreement.

D. General Manager’s duties may involve expenditures of time in excess of the regularly established workday or in excess of a forty-hour workweek and may also include time outside normal office hours, including but not limited to attendance at District Board meetings. General

Manager is classified as an exempt employee under the Fair Labor Standards Act (“FLSA”) and shall not be entitled to any additional compensation for hours worked in excess of forty in a work week or eight hours per calendar day.

Section 4: Performance Evaluation

The District Board shall review and evaluate the performance of General Manager at least once each year during the Term of this Agreement. All aspects of this annual review are private personnel matters within the meaning of the Brown Act and are to be conducted in Closed Session of the District Board. During the annual performance review process, the Board may establish, with or without input from General Manager, the goals, objectives, and performance standards for the position. Failure of District Board to review and evaluate the performance of General Manager pursuant to this section shall not affect the right of the District to terminate General Manager’s employment and shall not be considered a breach of this Agreement. Following each annual performance evaluation, the District Board may, at its sole discretion, grant General Manager a performance bonus equal to 0 – 10% of his then-current annual base salary, which, if awarded, may be approved by minute action of the Board and shall ratified by resolution.

Section 5: Salary

A. As compensation for the professional services to be performed hereunder, effective March 8, 2023, District agrees to pay General Manager an annual base salary of One Hundred Ninety Five Thousand dollars (\$195,000), subject to deductions and withholdings of any and all sums required for federal or state income tax, other deductions or withholdings required by then current state, federal or local law, and paid not less than bi-weekly in accordance with the District’s established accounting and payroll practices at the same time and in the same manner as other employees of the District are paid. The District shall also deduct from his annual base salary any applicable sums that General Manager is obligated to pay because of participation in plans or programs described in Section 6 of this Agreement and General Manager hereby authorizes such deductions.

B. Any increases in the annual base salary of General Manager, to the extent provided, may be made effective at any time and shall be made in the sole discretion of the District Board. Increases in General Manager’s annual base salary shall not require an amendment to this Agreement to be effective. Such increases may be set forth in an annual employee salary resolution or minute action approved by the District Board and ratified by resolution at a regularly scheduled meeting of the Board.

C. General Manager’s annual base salary shall not be subject to or affected by any Cost of Living or Consumer Price Index adjustments approved by the District Board to the salaries of other unrepresented employees.

Section 6: Benefits and Leaves of Absence

A. Employee Benefits. Except as expressly provided for in this Agreement, General Manager shall be entitled to receive the same benefits provided other unrepresented (non-union) District management employees. These benefits include, but are not limited to: health insurance (medical, dental, vision), health reimbursement arrangement, holidays, supplemental retirement contribution, group life insurance, sick leave, jury duty leave, and bereavement leave.

B. Vacation and Sick Leave. Except as otherwise set forth in this Agreement, General Manager shall be entitled to receive vacation time and sick leave each year in accordance with the vacation and sick leave accrual policies applicable to the District's unrepresented (non-union) employees, as such policies may be periodically amended by the District Board. Notwithstanding the foregoing, General Manager's vacation accrual rate may be reviewed and adjusted from time to time by the Board, at its sole discretion. Any changes to General Manager's vacation accrual rate may be set forth in a resolution applicable to all unrepresented employees or in a minute action approved by the District Board and ratified by resolution at a regularly scheduled meeting of the Board. General Manager shall retain any vacation and sick leave that he has accrued as Interim General Manager as of March 7, 2023, subject to any applicable accrual caps which may exist at the time of his appointment as General Manager. Any request by General Manager for vacation pay in lieu of time off shall be subject to and processed in accordance with the policy applicable to the District's unrepresented (non-union) employees, as such policy may be periodically amended by the District Board.

C. Retirement Benefits. General Manager shall be a member of the District's retirement plan as adopted and existing pursuant to the District's contract with the California Public Employment Retirement System ("PERS"). General Manager is a Tier I employee as defined in relevant District PERS resolutions and contracts and shall continue to be enrolled in the 3% at 60 program.

D. Use of District Vehicle. For the benefit of District, General Manager has been assigned a District vehicle. General Manager may use the vehicle for District business only, not for personal use. General Manager understands that the District may use the assigned District vehicle for District business at any time.

E. Professional Development. District acknowledges its interest in the continuing professional development of General Manager and agrees to pay all reasonable and appropriate expenses associated with professional dues and subscriptions and/or attendance at conferences, training opportunities, and meetings of organizations concerned with sanitation, solid waste, municipal finance, special districts, and/or the public administration profession. Such expenses must be approved in advance by the District Board during its budget process.

F. General Business Expenses. The District recognizes that General Manager may incur expenses of a non-personal, job-related nature that are reasonably necessary to General Manager's service to the District. The District agrees to either pay such expenses (supported by documentation) in advance or to reimburse the expenses, so long as the expenses are incurred and submitted according to the District's established expense reimbursement policies and procedures.

G. Administrative Leave Pending an Investigation. Because General Manager is an "at-will" employee, the District is not obligated to pay General Manager pending an investigation into any alleged misconduct by the General Manager. Notwithstanding the foregoing, in the event that the District Board of Directors determines, in its sole discretion, that it is in the best interest of the District for General Manager to be placed on paid administrative leave pending such an investigation, General Manager shall fully reimburse any salary provided for that purpose if the misconduct for which General Manager was under investigation results in General Manager being convicted of a crime involving an abuse of his office or position. General Manager shall fully reimburse such salary no later than six months after such conviction.

Section 7: Termination of Agreement

A. Termination by District Without Cause or For Reasons Other Than "Cause".

1. If District terminates this Agreement (thereby terminating General Manager's employment) without cause or for reasons other than "cause" as defined in Paragraph B below upon the vote of a majority of the total membership of the District Board in attendance at a lawfully called meeting, and only if General Manager timely executes and delivers to District an original "Separation Agreement and General Release" in the form attached hereto as Attachment 1, and does not thereafter timely exercise his right to revoke said Separation Agreement and General Release, District shall pay General Manager a lump sum severance benefit equal to the monthly salary of General Manager at the time of separation multiplied by the number of months left on the unexpired term of this Agreement, not to exceed six months of salary ("Separation Pay").

2. Such Separation Pay is considered a cash settlement related to the termination of General Manager and shall therefore be fully reimbursed to District by General Manager if General Manager is convicted of a crime involving an abuse of his office or position. Abuse of office or position shall have the meaning set forth in Government Code section 53243.4, as may be amended, and means either (1) an abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority or (2) a crime against public justice, including, but, not limited to, a crime described in Title 5 (commencing with Section 67), Title 6 (commencing with Section 85), or Title 7 (commencing with Section 92) of Part 1 of the Penal Code. General Manager shall fully reimburse such Separation Pay no later than six months after such conviction.

B. Termination by District For Cause. If the District terminates this Agreement (thereby terminating General Manager's employment) with cause, General Manager shall not be entitled to any Separation Pay. As used in this Agreement, "cause" shall mean any of the following:

1. Dishonesty; or
2. Conviction of a felony; or
3. Conviction of a misdemeanor arising out of General Manager's duties or performance under this Agreement; or
4. Misappropriation of public funds; or
5. Willful abandonment of duties consisting of the failure to report to work for five consecutive working days (for reasons not medically related) and not notifying staff and the District Board of his leave status; or
6. A willful and intentional failure to carry out materially significant and legally constituted policy decisions of the District Board; or
7. Any other intentional or negligent action or inaction by General Manager that:
(a) materially and substantially impedes or disrupts the operations of the District or its organizational units; (b) is detrimental to employees or public safety; (c) violates properly established rules or procedures of the District causing a material and substantial adverse impact on the District; or (d) has a material and substantial adverse effect on the District's interests as clearly defined and delineated by properly established District Board actions, policies, regulations, or District ordinances.

C. Termination by General Manager. General Manager may resign from his employment as General Manager and terminate this Agreement at any time. General Manager shall not be entitled to any Separation Pay if he resigns. General Manager agrees, if practicable, to give the District Board at least thirty days advance written notice of his decision to resign. District Board may choose to waive this thirty-day notice period and/or place General Manager on paid administrative leave through the effective date of the resignation. The District Board's waiver of this period shall not change the General Manager's resignation to a termination.

Section 8: Confidentiality

General Manager acknowledges that in the course of his employment contemplated herein, he will be given or will have access to confidential and proprietary documents and information relating to the District, its residents, businesses, employees, and customers ("Confidential Information"). Such Confidential Information may include, but is not limited to, all information given to or otherwise accessible to General Manager that is not public information or would be exempt from public disclosure as confidential, protected, exempt, or privileged information. General Manager shall hold the Confidential Information in trust for the District's benefit and shall not disclose the Confidential Information to others without the express written consent of the District.

All Confidential Information shall be promptly returned to the District immediately upon the effective date of any termination or resignation.

Section 9: Indemnification

A. Except for an act of misappropriation of public funds, or an indictment, the filing of an information, a plea of guilty or a plea of nolo contendere for a crime involving moral turpitude, District shall defend, hold harmless and indemnify General Manager against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of his employment as General Manager, using legal counsel of the District's choosing in its sole discretion, in accordance with the provisions of California Government Code Section 825, applicable provisions of the Government Claims Act, and other applicable law. In the event there is a conflict of interest between the District and General Manager in such a case such that qualified independent counsel is required for General Manager, the District shall pay the reasonable fees of such qualified independent counsel, who shall be mutually chosen by the parties. District may compromise and settle any claim or suit against the General Manager and pay the amount of any settlement or judgment rendered therefrom.

B. In the event that the District provides funds for the legal criminal defense of the General Manager, General Manager shall fully reimburse said funds to the District if General Manager is convicted of a crime involving an abuse of his office or position as defined in Section 7(A)(2) of this Agreement. General Manager shall fully reimburse to District such criminal legal defense fees no later than six months after such conviction.

Section 10: Notices

Any notices to be given hereunder by either party to the other shall be in writing and may be transmitted by personal delivery, electronic mail, registered mail or certified mail. Notices delivered personally or by electronic mail shall be deemed communicated as of the date of delivery. Mailed notices shall be deemed communicated as of the date they are postmarked. Mailed notices shall be addressed to the General Manager at the address maintained in the personnel records of the District. Notices to the District shall be addressed as follows:

Midway City Sanitary District Board
Attn.: Board President
14451 Cedarwood Avenue
Westminster, CA 92683

With a Copy To: James H. Eggart
Woodruff, Spradlin & Smart
555 Anton Boulevard
Suite 1200
Costa Mesa, CA 92626

Section 11: Entire Agreement

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the employment of Housley by District and contains all of the covenants and agreements between the parties with respect to that employment in any manner

whatsoever. Each party to this Agreement acknowledges that no representation, inducement, promise, or agreement, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which is not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid or binding on either party.

Section 12: Modification

Any modification of this Agreement shall be effective only if it is in writing and signed by the party to be charged.

Section 13: Effect of Waiver

The failure of either party to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement by the other party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

Section 14: Partial Invalidity

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in anyway.

Section 15: Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of California and all applicable District regulations, resolutions, and ordinances.

Section 16: Bonding

District shall bear the full cost of any fidelity or other bonds required of General Manager under any law or ordinance, or any insurance policies in lieu thereof.

Section 17: District's Policies and Procedures

The terms and conditions of General Manager's employment, including additional employment benefits of General Manager not specifically provided for in this Agreement, shall be governed by District's personnel policies and procedures, salary and benefits resolutions, and administrative regulations, to the extent not inconsistent with the provisions of this Agreement. In the event of any such inconsistency or conflict, the provisions of this Agreement shall govern.

Section 18: General Manager’s Independent Review

Housley acknowledges that he has had the opportunity and has conducted an independent review of the financial and legal effects of this Agreement. Housley acknowledges that he has made an independent judgment upon the financial and legal effects of the Agreement and has not relied upon representation of the District, its elected or appointed officers and officials, agents or employees, other than those expressly set forth in this Agreement. Housley acknowledges that he has been advised to obtain, and has availed himself of (or waived his right to), independent legal counsel with respect to the terms, conditions and provisions of this Agreement.

Section 19: Enforcement

The prevailing party in any action brought to enforce this Agreement or to resolve any dispute or controversy arising under the terms and conditions hereof shall be entitled to payment of reasonable attorneys’ fees and costs.

Section 20: Authority to Enter Agreement

The President of the District Board has the express authority to execute this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date reflected above.

MIDWAY CITY SANITARY DISTRICT

GENERAL MANAGER

Tyler Diep
President

Robert Housley

ATTEST:

Andrew Nguyen
Secretary

APPROVED AS TO FORM:

James H. Eggart
General Counsel

ATTACHMENT 1

SEPARATION AGREEMENT AND GENERAL RELEASE

This Separation Agreement and General Release (“Separation Agreement”) is entered into by Robert Housley (“General Manager”) and the Riverside Transit Agency (“Employer”), in light of the following facts:

RECITALS

A. General Manager’s employment by Employer, and the Employment Agreement under which he was employed, have been terminated effective _____, 20__.

B. General Manager is hereby informed that he has 21 days from the effective date of the termination when he received this Agreement to consider it. Employer hereby advises General Manager to consult with an attorney before signing this Agreement.

C. General Manager acknowledges that for a period of 7 days following the signing of this Separation Agreement (“Revocation Period”), he may revoke this Separation Agreement. This Separation Agreement shall not become effective or enforceable until the Revocation Period has expired.

D. General Manager acknowledges that the Salary Payment referenced in paragraph 1 of this Separation Agreement represents all compensation due and payable to him through his termination. General Manager also acknowledges that Employer has made this Salary Payment without regard to whether he signs this Separation Agreement. The Salary Payment does not constitute consideration for this Separation Agreement.

E. General Manager acknowledges that the Separation Pay referenced in paragraph 2 of this Separation Agreement is in excess of all amounts that are due and owing to him as a result of his employment by Employer.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. Receipt of Salary Payment. General Manager hereby acknowledges receipt of a check for all salary and accrued leave owing (“Salary Payment”) from Employer as of the effective date of this Separation Agreement (set forth in Recital A, above) pursuant to the Employment Agreement between General Manager and Employer.

2. **Separation Pay.** Following return to Employer of this Separation Agreement signed by General Manager and expiration of the Revocation Period, not having been revoked by General Manager, Employer shall pay the applicable Separation Pay provided for in the Employment Agreement between General Manager and Employer.

3. **General Release.** In consideration of the Separation Pay to be given to General Manager, and other good and valuable consideration, General Manager hereby releases and discharges Employer and its past and present elected and appointed officials and officers, employees, representatives, agents and attorneys, from all rights, claims, causes of action, and damages, both known and unknown, in law or in equity, concerning and/or arising out of his employment with Employer which he now has, or ever had, including but not limited to any rights, claims, causes of action, or damages arising under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Fair Labor Standards Act of 1938, the Americans with Disabilities Act, the Meyers-Milias Brown Act, the Vocational Rehabilitation Act of 1973, the Family and Medical Leave Act of 1993, the California Moore-Brown-Roberti Family Rights Act, the California Unruh Civil Rights Act, the California Fair Employment and Housing Act, or the California Labor Code, under any other federal, state, or local employment practice legislation, or under federal or state common law, including wrongful discharge, express or implied contract, breach of public policy, or violation of due process rights.

General Manager hereby waives and relinquishes all rights and benefits afforded by Section 1542 of the Civil Code of California. General Manager understands and acknowledges the significance and consequences of this specific waiver of Section 1542. Section 1542 of the Civil Code of California states as follows:

“A general release does not extend to claims which the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.”

Notwithstanding the provisions of Section 1542, and for the purpose of implementing a full and complete release and discharge of Employer and its past and present elected and appointed officials and officers, employees, representatives, agents and attorneys, General Manager expressly acknowledges that this General Release is intended to include in its effect, without limitation, all claims which he does not know or suspect to exist in his favor.

General Manager further acknowledges that he has read this General Release, that he understands that this is a general release, and that he intends to be legally bound by the same.

4. **Fees and Costs.** General Manager and Employer agree that in the event of litigation relating to this Separation Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

5. **Complete Agreement.** Except for the applicable provisions of the parties' Employment Agreement, which are referenced herein, this is the entire agreement between General Manager and Employer with respect to the subject matter hereof and this Separation Agreement supersedes all prior and contemporaneous oral and written agreements and discussions. It may only be amended in writing.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the dates reflected below.

GENERAL MANAGER

DATED: _____

Robert Housley

MIDWAY CITY SANITARY DISTRICT

DATED: _____

By: _____
President

ATTEST:

Secretary

APPROVED AS TO FORM:

General Counsel

AGENDA ITEM 9D

Date: March 7, 2023

To: Board of Directors

Prepared by: Robert Housley, Interim General Manager

Subject: **CONSIDERATION OF RESOLUTION NO. 2023-06 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY ADOPTING A REVISED POLICY REGARDING BOARD OF DIRECTOR DAYS OF SERVICE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 6489**

BACKGROUND

Pursuant to Health and Safety Code Section 6489, Directors are entitled to compensation for each day's attendance at meetings of the Board and for each day's service rendered as a Director by request of the Board. The rate of Director compensation is currently set at \$300.00 per day, not to exceed six days in any calendar month.

In December 2016, the Board adopted a Requested Days of Service Policy to clarify what events, and activities constituted days of service entitling Directors to compensation. The Policy is intended to identify standard requested authorized days of service for Board Members in order to streamline the Board process by eliminating the need for individual requests for specified days of service. Attached as Exhibit 1 to the Policy is a list of the pre-approved Director meetings and/or days of service requested by the Board of Directors for which compensation is authorized pursuant to Section 6489.

It has been over six years since the Board of Directors approved its policy clarifying Days of Service for the Board of Directors. It is best practice for the Board to review its policies from time-to-time and to update them accordingly. Staff has prepared proposed updates to Exhibit 1 of the Policy in order to more accurately reflect the types of activities Board Members currently engage in on behalf of the District and to provide additional specificity and clarity regarding the when compensation is authorized. The proposed updates to Exhibit 1 are intended to reflect the types of meetings and activities typically requested by the Board as a day of service and are not intended to substantively change past practice. No changes are proposed to the Policy itself or to the current daily rate of compensation.

STAFF RECOMMENDATION

Staff recommends that the Board approve Resolution No. 2023-06 adopting a revised policy regarding Board of Directors days of service.

FISCAL IMPACT

There is no fiscal impact to approving the revised policy. The changes are intended to provide additional transparency, specificity, and clarity, not to substantively expand the scope of meetings and activities for which Directors are entitled to compensation.

Attachments:

1. Proposed Resolution 2023-06 Board of Directors Policy Regarding Days of Service (clean)
2. Redline Showing Proposed Changes to Exhibit 1 of Policy

RESOLUTION NO. 2023-06

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDWAY CITY SANITARY DISTRICT OF
ORANGE COUNTY ADOPTING A REVISED POLICY
REGARDING BOARD OF DIRECTOR DAYS OF
SERVICE PURSUANT TO CALIFORNIA HEALTH
AND SAFETY CODE SECTION 6489**

WHEREAS, California Health and Safety Code Section 6489 provides for members of the Midway City Sanitary District (“District”) Board of Directors (“Board”) to be compensated for attendance at meetings and for Board requested authorized days of service to the District;

WHEREAS, the Board has determined that there are numerous events for which the Board regularly requests Board member days of service;

WHEREAS, in 2016, the Board adopted an updated Board of Director Policy Regarding Requested Days of Service for the purpose of identifying standard requested authorized days of service for Board Members in order to streamline the Board process by eliminating the need for individual requests for specified days of service; and

WHEREAS, the Board desires to further update said Policy to provide additional transparency and clarity.

NOW, THEREFORE, the Board of Directors of the Midway City Sanitary District resolves as follows:

Section 1: The attached revised policy regarding requested authorized days of service by District Board Members is hereby approved.

Section 2: The provisions of all District Board of Director Policies Regarding Requested Days of Services and amendments thereto previously adopted by the Midway City Sanitary District, along with those provisions of all other policies, resolutions, or actions of the Midway City Sanitary District inconsistent with the attached policy, are hereby superseded.

PASSED AND ADOPTED, at a regular meeting of the Board of Directors of Midway City Sanitary District of Orange County, California, held this 7th day of March, 2023.

Tyler Diep, President

ATTEST:

Andrew Nguyen, Secretary

**MIDWAY CITY SANITARY DISTRICT
BOARD OF DIRECTOR POLICY REGARDING
REQUESTED DAYS OF SERVICE**

A. Purpose

The purpose of this policy is to provide clarification regarding requested days of service for Members of the Board of Directors of the Midway City Sanitary District (“District”) pursuant to California Health and Safety Code Section 6489.

B. Health and Safety Code Section 6489

District Board of Director compensation is governed by Health and Safety Code Section 6489. In accordance with Section 6489(b), the Board of Directors has separately adopted an ordinance establishing the amount of compensation for which a Director is eligible for each day of attendance at meetings of the Board or for each day of service rendered as a Director by request of the Board. The amount of compensation for each day of service rendered by a director at request of the Board of Directors pursuant to this policy, including requested service as President, Secretary, Treasurer, President Pro-Tem or other officer of the Board, shall be at the rate set forth in said ordinance. In accordance with Section 6489(a), daily compensation may not exceed a total of six (6) days in any calendar month, together with any expenses incident thereto.

C. Requested Days of Service

Attached as Exhibit 1 to this policy is a list of the pre-approved Director meetings and/or days of service requested by the Board of Directors for which compensation is authorized pursuant to Section 6489. Nothing in this policy shall preclude the Board of Directors from requesting additional Board Member service at events that would be eligible as a day of service to the District in accordance with Section 6489.

D. Issues Regarding Policy Application

Any issue raised as to whether an activity constitutes a day of service for which compensation is appropriate shall be presented to the Board of Directors for review and determination.

E. Compensation Limitations

In no instance shall a Director be compensated for attendance at more than one (1) authorized event per day. No meeting, event or activity for which compensation is authorized or provided by another agency or entity shall constitute an authorized day of service to the District.

F. Reporting

Each Director who attends an event of any kind authorized as a day of service to the District shall provide a report on such event at the next regular meeting of the Board of Directors.

G. Payment Procedure

In order to request compensation for days of service rendered in any calendar month, a Director shall complete and sign a form prepared by the District's General Manager identifying each meeting, event, or activity qualifying as a day of service rendered by the Director during the month pursuant to this policy. Unless it is otherwise impracticable to do so, payment of requested compensation for days of service rendered in any calendar month shall be processed and made by the first Friday of the following month.

EXHIBIT 1

Meetings/Requested Days of Service

1. Regular, Adjourned Regular, Special and Emergency meetings of District's Board of Directors.
2. District Standing and Ad Hoc Committee Meetings, provided that attendance is as a member or alternate member of the Committee.
3. Meetings of Outside Agency Boards or Committees to which a Director has been designated as a member or alternate member by the Board or the President, if the Director does not receive compensation from the Outside Agency.
4. Training sessions mandated by state or federal law, including but not limited to ethics training and harassment training, and any other relevant training, whether conducted in-person or online.
5. Solid Waste, Sewer or Public Agency Governance Educational meetings, conferences, training, or activities such as, but not limited to, the following: (1) California Association of Sanitation Agencies conferences and activities; (2) Independent Special Districts of Orange County meetings and activities; (3) California Special District Association meetings and activities; (4) Orange County Sanitation District conferences and activities; (5) Local Agency Formation Commission meetings and activities; (6) Municipal Water District of Orange County policy forums; (7) Special District Leadership Foundation conferences; (8) Waste 360 and National Waste and Recycling Association sponsored conferences and events; (8) Special District Risk Management Authority (SDRMA) meetings, conferences, and training activities; and (9) CalRecycle meetings, events, and seminars.
6. District Public Education and Promotional Activities such as the following: (1) Westminster Concerts in the Park (when District promoted); (2) Westminster Family Day; (3) Westminster Safety Day; (4) TET Parade held in Westminster (including attendance at related planning or organizational meetings on behalf of the District); (5) Westminster Founders Day Parade; (6) Westminster City and Chamber of Commerce Events; (7) Solid Waste Franchisee Special Events; (8) District-Sponsored Community Events, including but not limited to community cleanup days, mulch / compost giveaway events, and community and customer open houses and similar events at District facilities; and (9) other District Community Outreach activities and events approved by the Board of Directors.

7. District Employee Morale Activities (such as District-sponsored employee activities or employee commendation events).
8. Meetings with federal, state, regional or county officials regarding legislative or regulatory issues affecting the District and over which the officials have jurisdiction.
9. Organized public meetings or events sponsored by other local or regional governmental agencies and/or public officials (not political fundraisers) at which the Director is representing the District in the Director's official capacity.
10. Participation in governing board activities of organizations furthering District interests (such as the governing board of the California Association of Sanitation Agencies).
11. Meetings with representatives of the Orange County Grand Jury concerning reports relating to or impacting the District.
12. Service rendered as the Treasurer, Secretary, President, President Pro-Tem or other officer of the Board (such as President review of Board meeting agendas with the General Manager, Treasurer/Treasurer Pro-Tem review of District warrants, and Secretary/Secretary Pro-Tem review of Board meeting minutes).

CERTIFICATION

I, Andrew Nguyen, Secretary of the MIDWAY CITY SANITARY DISTRICT of Orange County, California, do hereby certify that the foregoing Resolution No. 2023-06 was duly adopted at a meeting of the Governing Board of said District held on the 7th day of March, 2023 by the following vote of the members of the Board:

AYES:
NOES:
ABSENT:

and I further certify that Tyler Diep, as President, and Andrew Nguyen, as Secretary, signed and approved said Resolution No. 2023-06 on the 7th day of March, 2023.

Andrew Nguyen, Secretary

(District Seal)

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Andrew Nguyen, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2023-06 passed and adopted by the Board of Directors of said District at a meeting thereof held on the 7th day of March, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 7th day of March, 2023.

Andrew Nguyen, Secretary

EXHIBIT 1

Meetings/Requested Days of Service

1. ~~1.~~ Regular, Adjourned Regular, Special and Emergency meetings of District's Board of Directors.
2. ~~2.~~ District Standing and Ad Hoc Committee Meetings, provided that attendance is as a member or alternate member of the Committee.
3. Meetings of Outside Agency Boards or Committees to which a Director has been designated as a member or alternate member by the Board or the President, if the Director does not receive compensation from the Outside Agency.
4. Training sessions mandated by state or federal law, including but not limited to ethics training and harassment training, and any other relevant training, whether conducted in-person or online.
5. ~~3.~~ Solid Waste, Sewer or Public Agency Governance Educational meetings, conferences, training, or activities such as, but not limited to, the following: (1) California Association of Sanitation Agencies conferences and activities; (2) Independent Special Districts of Orange County meetings and activities; (3) California Special District Association meetings and activities; (4) Orange County Sanitation District conferences and activities; (5) Local Agency Formation Commission meetings and activities; ~~and~~ (6) Municipal Water District of Orange County policy forums; (7) Special District Leadership Foundation conferences; (8) Waste 360 and National Waste and Recycling Association sponsored conferences and events; (8) Special District Risk Management Authority (SDRMA) meetings, conferences, and training activities; and (9) CalRecycle meetings, events, and seminars.
6. ~~4.~~ District Public Education and Promotional Activities such as the following: (1) Westminster Concerts in the Park (when District promoted); (2) Westminster Family Day; (3) Westminster Safety Day; (4) TET Parade held in Westminster (including attendance at related planning or organizational meetings on behalf of the District); (5) Westminster Founders Day Parade; (6) Westminster City and Chamber of Commerce Events; ~~and~~ (7) Solid Waste Franchisee Special Events; (8) District-Sponsored Community Events, including but not limited to community cleanup days, mulch / compost giveaway events, and community and customer open houses and similar events at District facilities; and (9) other District Community Outreach activities and events approved by the Board of Directors.

7. ~~5.~~ District Employee Morale Activities (such as District-sponsored employee activities or employee commendation events).
8. ~~6.~~ Meetings with federal, state, regional or county officials regarding legislative or regulatory issues affecting the District and over which the officials have jurisdiction.
9. Organized public meetings or events sponsored by other local or regional governmental agencies and/or public officials (not political fundraisers) at which the Director is representing the District in the Director's official capacity.
10. ~~7.~~ Participation in governing board activities of organizations furthering District interests (such as the governing board of the California Association of Sanitation Agencies).
11. ~~8.~~ Meetings with representatives of the Orange County Grand Jury concerning reports relating to or impacting the District.
12. ~~9.~~ Service rendered as the Treasurer, Secretary, President, President Pro-Tem or other officer of the Board (such as President review of Board meeting agendas with the General Manager, Treasurer/Treasurer Pro Tem review of District warrants, and Secretary/Secretary Pro Tem review of Board meeting minutes).

AGENDA ITEM 9E

Date: March 7, 2023

To: Board of Directors

Prepared by: Robert Housley, Interim General Manager

Subject: **CONSIDERATION OF RESOLUTION NO. 2023-07 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY APPROVING BOARD OF DIRECTOR AND STAFF ATTENDANCE AT SPECIFIED CONFERENCES, MEETINGS, ACTIVITIES AND EVENTS**

BACKGROUND

In January 2017, the Board adopted Resolution No. 2017-01 to identify, and pre-approve expenditure of District funds for attendance at, certain recurring conferences, meetings, and events that Board members and District staff frequently attend in order to obviate the need for approval for such conferences, meetings, and events on a case-by-case basis. It has been more than six years since the Board of Directors adopted Resolution No. 2017-01. It is best practice for the Board to review its policies from time-to-time and to update them accordingly. Staff has identified several types of conferences, meetings, and events frequently attended by District Staff and/or Board Members that are not expressly listed in Resolution No. 2017-01. Therefore, in order to clarify Staff's authority to expend District funds for employee and Board member attendance at relevant conferences, training, and events, updates to the list of pre-approved conferences, meetings, activities and events are proposed. Pursuant to the proposed Resolution, expenditure of District funds for all conferences, meeting, activities, and events on the pre-approved list will be subject to appropriation of funds by the Board of Directors through the budgeting process.

STAFF RECOMMENDATION

Staff recommends that the Board approve Resolution No. 2023-07 adopting a revised policy regarding attendance at specified conferences, meetings, activities, and events.

FISCAL IMPACT

There is no fiscal impact to approve the revised policy. The expenditure of funds for pre-approved conferences, meetings, activities and events is subject to appropriation of funds by the Board of Directors through the budgeting process.

Attachments:

1. Proposed Resolution 2023-07 Board of Directors Policy approving Attendance at specified conferences, meetings, activities, and events. (clean)
2. Redline Showing Proposed Changes to Resolution No 2017-01

RESOLUTION NO. 2023-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY APPROVING BOARD OF DIRECTOR AND STAFF ATTENDANCE AT SPECIFIED CONFERENCES, MEETINGS, ACTIVITIES AND EVENTS

WHEREAS, the Midway City Sanitary District (“District”) Board of Directors (“Board”) approves, in advance, the expenditure of District funds for attendance of Board members and District staff at conferences, meetings, activities, and events other than meetings of the Board, District committees, and meetings of boards and committees by formally designated District representatives; and

WHEREAS, in 2017, the Board adopted Resolution No. 2017-01 to identify, and pre-approve expenditure of District funds for attendance at, certain recurring conferences, meetings, and events that Board members and District staff frequently attend in order to obviate the need for approval for such conferences, meetings, and events on a case-by-case basis; and

WHEREAS, the Board desires to update the list of pre-approved conferences, meetings, activities, and events that Board members and District staff are authorized to attend.

NOW, THEREFORE, the Board of Directors of the Midway City Sanitary District resolves as follows:

Section 1: The expenditure of District funds for attendance of Board members and District staff at the following conferences, meetings, activities, and events, including out-of-state conferences, meetings, activities, and events, is hereby approved:

1. California Special Districts Association (CSDA) meetings, conferences, and activities, including but not limited to CSDA’s Special District Leadership Academy and Legislative Days;
2. California Association of Sanitation Agencies (CASA) meetings, conferences, and activities;
3. Special District Leadership Foundation conferences;
4. Independent Special District of Orange County (ISDOC) meetings and conferences;

5. Orange County Sanitation District meetings, conferences and activities;
6. Waste 360 and National Waste and Recycling Association (NWRA) sponsored conferences and events, including but not limited to WasteExpo;
7. CalRecycle meetings, events, and seminars;
8. Special District Risk Management Authority (SDRMA) meetings, conferences, and training activities;
9. Westminster Chamber of Commerce sponsored events (such as the annual State of the City event);
10. City of Westminster sponsored events (such as the annual Public Awareness Safety Day, the annual Spring Festival, the TET Parade and associated planning meetings, and Concerts in the Park);
11. Events sponsored by the District's Solid Waste Franchisee;
12. Local Agency Formation Commission (LAFCO) meetings and activities involving matters pertinent to the District;
13. District sponsored employee morale events and activities;
14. District sponsored community events (such as community cleanup events, mulch/compost giveaway events, and community and customer open houses and similar events at District facilities);
15. Meetings with federal, state, regional or county officials regarding legislative or regulatory issues affecting the District and over which the officials have jurisdiction;
16. Organized meetings, activities, or events sponsored by other local or regional governmental agencies and/or public officials at which the Board or staff member is representing the District in his or her official capacity;
17. Meetings with representatives of the Orange County Grand Jury concerning reports relating to or impacting the District; and
18. Training sessions mandated by state or federal law, including but not limited to ethics training and harassment training, and any other relevant training, whether conducted in-person or online.

Section 2: The expenditure of District funds for attendance District staff at the following conferences, meetings, activities, and events, including out-of-state conferences, meetings, activities, and events, is hereby approved:

1. California Society of Municipal Officers Association (CSMFO) meetings, conferences, and events;
2. Government Finance Association of California (CFOA) meetings, conferences, and events;
3. Government Tax Seminars, LLC conferences and events;
4. City Clerks Association of California (CCAC) meetings, conferences, and events;
5. Solid Waste Association of North America (SWANA) meetings, conferences, and events;
6. Water and Wastewater Tri-State Seminar;
7. California Water Environment Association (CWEA) and Santa Ana River Basin Section meetings, conferences, and events;
8. Training sessions and classes pertaining to the operation of forklifts, commercial vehicles, or other equipment or vehicles used in or related to District operations;
9. CPR and first aid training sessions and classes;
10. Fire extinguisher and other safety-related training sessions;
11. Mechanics training sessions, classes, or conferences pertaining to maintenance and repair of vehicles and equipment utilized in District operations;
12. Conferences, training opportunities, and meetings of other organizations concerned with sanitation, solid waste, engineering, municipal finance, human resources, special districts, and/or public administration that relate to the job duties of District staff members that the General Manager determines will be beneficial to a staff member's job performance or professional development.

Section 3: Attendance by Board members and District staff approved by the General Manager at the conferences, meetings, and events identified in Sections 1 and 2 is hereby approved, subject to appropriation of funds by the Board of Directors through the budgeting process. Board member and staff compensation and expense reimbursement related to such attendance shall be governed by applicable law and District policies.

Section 4: Resolution No. 2017-01 and the provisions of all resolutions, policies, or other actions of the Midway City Sanitary District pertaining to the expenditure of District funds for attendance of Board members and District staff at conferences, meetings, activities, and events inconsistent with this Resolution are hereby superseded.

PASSED AND ADOPTED, at a regular meeting of the Board of Directors of Midway City Sanitary District of Orange County, California, held this 7th day of March, 2023.

Tyler Diep, President

ATTEST:

Andrew Nguyen, Secretary

CERTIFICATION

I, Andrew Nguyen, Secretary of the MIDWAY CITY SANITARY DISTRICT of Orange County, California, do hereby certify that the foregoing Resolution No. 2023-07 was duly adopted at a meeting of the Governing Board of said District held on the 7th day of March, 2023 by the following vote of the members of the Board:

AYES:
NOES:
ABSENT:

and I further certify that Tyler Diep, as President, and Andrew Nguyen, as Secretary, signed and approved said Resolution No. 2023-07 on the 7th day of March, 2023.

Andrew Nguyen, Secretary

(District Seal)

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Andrew Nguyen, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2023-07 passed and adopted by the Board of Directors of said District at a meeting thereof held on the 7th day of March, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 7th day of March, 2023.

Andrew Nguyen, Secretary

RESOLUTION NO. ~~2017~~2023-0107

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY APPROVING BOARD OF DIRECTOR AND STAFF ATTENDANCE AT SPECIFIED CONFERENCES, MEETINGS, ACTIVITIES AND EVENTS

WHEREAS, the Midway City Sanitary District (“District”) Board of Directors (“Board”) approves, in advance, the expenditure of District funds for attendance of Board members and District staff at conferences, meetings, activities, and events other than meetings of the Board, District committees, and meetings of boards and committees by formally designated District representatives; and

WHEREAS, in 2017, the Board ~~desires~~adopted Resolution No. 2017-01 to identify, and pre-approve expenditure of District funds for attendance at, certain recurring conferences, meetings, and events that Board members and District staff frequently attend in order to obviate the need for approval for such conferences, meetings, and events on a case-by-case basis: and

WHEREAS, the Board desires to update the list of pre-approved conferences, meetings, activities, and events that Board members and District staff are authorized to attend.

NOW, THEREFORE, the Board of Directors of the Midway City Sanitary District resolves as follows:

Section 1: The expenditure of District funds for attendance of Board members and District staff at the following conferences, meetings, activities, and events, including out-of-state conferences, meetings, activities, and events, is hereby approved:

1. California Special Districts Association (CSDA) meetings~~—and~~, conferences, and activities, including but not limited to CSDA’s Special District Leadership Academy and Legislative Days;
2. California Association of Sanitation Agencies (CASA) meetings~~—and~~, conferences, and activities;
3. Special District Leadership ~~Academy (SDLA)~~Foundation conferences;
4. Independent Special District of Orange County (ISDOC) meetings and conferences;

5. Orange County Sanitation District meetings, conferences and activities;
6. Waste 360 and National Waste and Recycling Association (NWRA) sponsored conferences and events, including but not limited to WasteExpo;
7. CalRecycle meetings, events, and seminars;
8. Special District Risk Management Authority (SDRMA) meetings, conferences, and training activities;
9. ~~5-~~Westminster Chamber of Commerce sponsored events (such as the annual State of the City event);
10. ~~6-~~City of Westminster sponsored events (such as the annual Public Awareness Safety Day, the annual Spring Festival, the TET Parade and associated planning meetings, and Concerts in the Park);
11. ~~7-~~Events sponsored by the District's Solid Waste Franchisee;
12. ~~8-~~Local Agency Formation Commission (LAFCO) meetings and activities involving matters pertinent to the District;
13. ~~9-~~District sponsored employee morale events and activities;
14. District sponsored community events (such as community cleanup events, mulch/compost giveaway events, and community and customer open houses and similar events at District facilities);
15. ~~10-~~Meetings with federal, state, regional or county officials regarding legislative or regulatory issues affecting the District and over which the officials have jurisdiction; ~~and~~
16. Organized meetings, activities, or events sponsored by other local or regional governmental agencies and/or public officials at which the Board or staff member is representing the District in his or her official capacity;
17. ~~11-~~Meetings with representatives of the Orange County Grand Jury concerning reports relating to or impacting the District; and
18. Training sessions mandated by state or federal law, including but not limited to ethics training and harassment training, and any other relevant training, whether conducted in-person or online.

Section 2: The expenditure of District funds for attendance District staff at the following conferences, meetings, activities, and events, including out-of-state conferences, meetings, activities, and events, is hereby approved:

1. California Society of Municipal Officers Association (CSMFO) meetings, conferences, and events;
2. Government Finance Association of California (CFOA) meetings, conferences, and events;
3. Government Tax Seminars, LLC conferences and events;
4. City Clerks Association of California (CCAC) meetings, conferences, and events;
5. Solid Waste Association of North America (SWANA) meetings, conferences, and events;
6. Water and Wastewater Tri-State Seminar;
7. California Water Environment Association (CWEA) and Santa Ana River Basin Section meetings, conferences, and events;
8. Training sessions and classes pertaining to the operation of forklifts, commercial vehicles, or other equipment or vehicles used in or related to District operations;
9. CPR and first aid training sessions and classes;
10. Fire extinguisher and other safety-related training sessions;
11. Mechanics training sessions, classes, or conferences pertaining to maintenance and repair of vehicles and equipment utilized in District operations;
12. Conferences, training opportunities, and meetings of other organizations concerned with sanitation, solid waste, engineering, municipal finance, human resources, special districts, and/or public administration that relate to the job duties of District staff members that the General Manager determines will be beneficial to a staff member's job performance or professional development.

Section 3: Attendance by Board members and District staff approved by the General Manager at the conferences, meetings, and events identified in ~~Section~~Sections 1 and 2 is hereby approved, subject to appropriation of funds by the Board of Directors through the budgeting process. Board member and staff compensation and expense reimbursement related to such attendance shall be governed by applicable law and District policies.

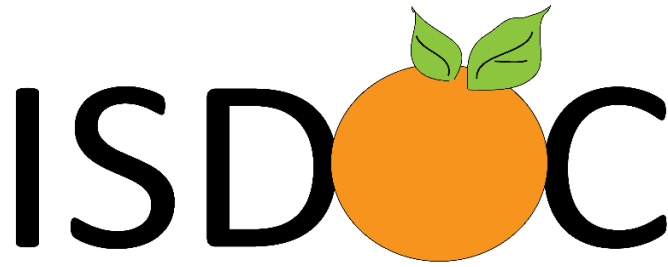
Section 4: Resolution No. 2017-01 and the provisions of all resolutions, policies, or other actions of the Midway City Sanitary District pertaining to the expenditure of District funds for attendance of Board members and District staff at conferences, meetings, activities, and events inconsistent with this Resolution are hereby superseded.

PASSED AND ADOPTED, at a regular meeting of the Board of Directors of Midway City Sanitary District of Orange County, California, held this ~~3rd~~7th day of ~~January, 2017.~~March, 2023.

Tyler ~~M.~~ Diep, President

ATTEST:

~~Charlie C.~~Andrew Nguyen, Secretary



Independent Special Districts of Orange County

ISDOC VIRTUAL Quarterly Luncheon - March 30, 2023

When

Thursday, March 30, 2023 from 11:30 a.m. - 1:00 p.m.

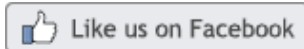
[Add to Calendar](#)

Where: Via Zoom

Greetings!

Please join us for our first **Virtual Quarterly Luncheon Meeting of the Independent Special Districts of Orange County (ISDOC)** of the new year on **Thursday, March 30, 2023** from **11:30 a.m. - 1:00 p.m.**

Sacramento to Washington D.C. What Should We Expect in 2023?



featuring guest speakers...

Syrus Devers
Ana Schwab
Best, Best & Krieger -
Government Affairs

The 2022 election brought a lot of fresh ideas and new changes to Orange County including new members of the delegation, changes in leadership in both Sacramento and Washington D.C. Come hear from advocates based in both Capitols who will share what they've seen so far, and what we should expect for 2023 and beyond. We'll also have local updates you won't want to miss!

While we are unable to meet for lunch in person this month, we will still have the same great content. As the meeting time is the same, feel free to enjoy your lunch while learning from your fellow ISDOC members, and hearing timely updates that affect special districts locally and statewide.

Once you register, the Zoom login information will be sent via email confirmation.

Come hear from our great guest speaker, plus speakers from our Spotlight Member and Associate Member as they provide some informative and timely updates.

We hope you will join us on March 30!

[Register Now!](#)

For additional information regarding this event, please contact Tina Dubuque at (714) 593-5025.

Sincerely,

Greg Mills

President
Independent Special Districts of Orange County