

**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**

January 17, 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, January 17, 2023 at 5:31 PM.

BOARD MEMBERS PRESENT:

Tyler Diep
Sergio Contreras
Chi Charlie Nguyen
Mark Nguyen
Andrew Nguyen

STAFF PRESENT:

Robert Housley, Interim General Manager &
Finance/HR Director
Cynthia Olsder, Executive/Board Secretary

OTHERS PRESENT:

James Eggart, General Counsel

PLEDGE AND INVOCATION

President T. Diep led the Pledge of Allegiance. Director C. Nguyen gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 3, 2023

A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve the minutes of the regular meeting of January 3, 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 \$283,624.26

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14273	1/5	\$ 155.50	Advanced Workplace Strategies, Inc.	DOT random drug and alcohol testing
2	14274	1/5	\$ 1,190.00	Ayala's Car Wash	Washing and cleaning of district's fleet
3	14275	1/5	\$ 10,738.21	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
4	14276	1/5	\$ 575.08	Cameron Welding Supply	Oxygen and propane welding supplies for shop
5	14277	1/5	\$ 2,170.84	Clean Energy	CNG Station site inspection
6	14278	1/5	\$ 170.12	Cummins Pacific LLC	Engine vibration isolators for solid waste truck
7	14279	1/5	\$ 6,243.77	Daniels Tire Service	Restock tires for solid waste
8	14280	1/5	\$ 2,662.87	Dartco Transmission Sales & Svcs.	Transmission repairs to NG-6 solid waste
9	14281	1/5	\$ 250.00	Dennis Solano Jr	Reimbursement for safety workboots
10	14282	1/5	\$ 81.50	Dennis Solano Sr.	Reimbursement for safety workboots
11	14283	1/5	\$ 1,200.00	Frog Environmental	Rain water monitoring 12/2022
12	14284	1/5	\$ 379.50	Frontier Communications	District office phones & lift stations
13	14285	1/5	\$ 129.75	Hillco Fastener Warehouse Inc.	Restock lock nuts and bolts for solid waste
14	14286	1/5	\$ 149.38	Hose-Man, Inc.	Fittings and nipple zerts for solid waste trucks
15	14287	1/5	\$ 1,737.79	Hydraulic Solutions And Supplies	Hydraulic cylinders for trash truck
16	14288	1/5	\$ 1,465.63	Jaycox Construction CNG	Replaced valves that were MCSD yard CNG station
17	14289	1/5	\$ 39.23	Motion and Flow Control Products, Inc.	Hydraulic hose and fittings for NG-6
18	14290	1/5	\$ 32,305.30	Orange County Sanitation District	Permit Fees Dec-2022
19	14291	1/5	\$ 33.90	Pre-Paid Legal Services, Inc.	Prepaid legal Dec-2022
20	14292	1/5	\$ 119.00	Remington Pure	Water filtration service
21	14293	1/5	\$ 1,881.51	Safety-Kleen Systems, Inc.	Hydraulic oil for solid waste trucks
22	14294	1/5	\$ 250.00	Sergio Gonzalez	Reimbursement for safety workboots
23	14295	1/5	\$ 48,804.39	Sierra Container Group, LLC	Restock (702) 95-gallon blue carts
24	14296	1/5	\$ 1,308.62	SoCal Auto & Truck Parts, Inc.	Restock shop supplies for solid waste trucks
25	14297	1/5	\$ 89.01	Spectrum Enterprise (Time Warner Cable)	Internet Services Jan-2023
26	14298	1/5	\$ 1,375.68	Standard Insurance Company Life	Life Insurance & AD&D Premiums
27	14299	1/5	\$ 842.03	Staples Business Credit	Restock office supplies for Dec-2022
28	14300	1/5	\$ 300.00	Streamline	Website monthly member fee
29	14301	1/5	\$ 12,757.90	TEC Of California, Inc.	Restock parts, supplies, fleet repairs and maintenance
30	14302	1/5	\$ 155.37	Tom's Truck Center	Spark plugs for NG-11
31	14303	1/5	\$ 11.75	Underground Service Alert	Underground dig alerts Dec-2022
32	14304	1/5	\$ 251.21	UniFirst Corporation	Spark plugs for NG-11
33	14305	1/5	\$ 13.02	Union Bank (NC)	Restock office stamp ink
34	14306	1/5	\$ 19,530.99	US Bank Corporate Payment System	District credit cards
35	14307	1/5	\$ 1,500.00	Viet Lnk Radio	Radio outreach 12/19 - 12/25
36	14308	1/5	\$ 17,353.65	Woodcliff Corporation - Escrow Account	Building project pay application #2 - Retention payment
37	14309	1/6	\$ 569.85	Dtntech	Banners (2) and car magnets (8) for TET
38			\$ 168,792.35	CHECKS SUBTOTAL	
39					
40				PAYROLL:	MEMO
41	ACH	12/28	\$ 82,428.67	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
42	ACH	12/29	\$ 6,737.36	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
43	ACH	1/6	\$ 7,939.13	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Depos
44	ACH	1/6	\$ 846.00	Nationwide Retirement Solutions	457 Deferred Compensation (Board of Directors)
45			\$ 97,951.16	ACH TRANSFERS SUBTOTAL	
46					
47				ACH PAYMENTS:	MEMO
48	ACH	12/20	\$ 360.50	Paychex	Time & Attendance Nov - 2022
49	ACH	12/27	\$ 66.00	WEX Health	HRA Monthly Fee for Nov-2022
50	ACH	12/29	\$ 16,454.25	CalPERS	Retirement Contributions for 12/12 - 12/25/2022
51			\$ 16,880.75	ACH TRANSFERS SUBTOTAL	
52					
53			\$ 283,624.26	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
54					

54					
55				BANK TRANSFERS:	
56	UB	12/28	\$ 2,584,000.00	Transfer Funds from UB Money Market to UB Checking	
57	UB	12/29	\$ 2,500,000.00	Transfer Funds from Union Bank Checking to LAIF	
58	UB	1/3	\$ 2,072,024.10	Transfer Funds from UB Money Market to UB Checking	
59	UB	1/4	\$ 2,000,000.00	Transfer Funds from Union Bank Checking to LAIF	
60			\$ 9,156,024.10	BANK TRANSFERS	

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve the expenditures in the amount of \$283,624.26. 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 building project's completion date has been pushed back until the end of July due to the weather.

He reported that interviews have started for the District Engineering position.

Additionally, he reported that the District will begin posting the complete Board Agenda Packet, including staff reports and any backup on the District's website starting next month.

Report from Outreach Committee Meeting on January 4, 2023

Director A. Nguyen reported the Committee met to discuss the radio outreach schedule for February, as well as the 2023 Clean-up events, Compost event, and the Westminster Tet parade.

Report from Tet Parade Staff Meeting on January 11, 2023

Interim GM R. Housley reported that he attended the meeting with Director A. Nguyen and that the City of Westminster will recognize the District as a Community Partner of the Event.

Report from OC SAN District Special Meeting on January 11, 2023

Director A. Nguyen reported that the meeting was to adopt a resolution of the Board of Directors of Orange County Sanitation District authorizing the continuation of remote meetings.

Report from VNCR Radio Outreach on January 12, 2023

Director M. Nguyen reported that he attended the radio recording with Director S. Contreras to discuss the District's planned 2023 events and to wish everyone a Happy Lunar New Year.

Report from Radio Bolsa Radio Outreach on January 13, 2023

Director A. Nguyen reported that he attended the radio recording with Director C. Nguyen and Mike Carey with CR&R to talk about SB 1383, the District's upcoming events, and to wish everyone a Happy Lunar New Year.

Report from Franchise Committee Meeting on January 13, 2023

Director S. Contreras reported that he attended the meeting with Director M. Nguyen and staff to discuss the steps that CR&R needs to take to improve service, as well as to receive clarification on what CR&R is presently doing for the District.

CONSENT CALENDAR

A. Approve and File the Treasurer's Investment Report for December 2022

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the Consent Calendar. 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:

OLD BUSINESS

None

NEW BUSINESS

A. Approve Budget Calendar for Fiscal Year 2023-2024

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 the budget calendar for fiscal year 2023-2024 and, at a later time, to choose the dates for the public budget workshop. 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 M. Nguyen, to approve 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 Attendance at the 2023 Waste Expo Being Held at the Ernest N. Morial Convention Center in New Orleans, Louisiana May 1-4, 2023

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve attendance for the Board and staff to attend the 2023 Waste Expo in New Orleans, Louisiana May 1-4, 2023. 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 Authorizing General Counsel to Seek Formal Advice from Fair Political Practices Commission on Application of Levine Act on Behalf of One or More Board Members

General Counsel J. Eggart disclosed that in order to request official guidance from the FPPC, he will require a Board Member's participation.

President T. Diep offered to serve as the Board's representative.

A motion was made by Director M. Nguyen, seconded by Director A. Nguyen, to authorize General Counsel James Eggart to ascertain pertinent facts, review pertinent agreements, contact the FPPC, and prepare the request for formal written advice on behalf of President T. Diep. 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 Scheduling an Off-Site Workshop/Study Session Focusing on Goals and Priorities for the Midway City Sanitary District and Interim General Manager

A motion was made by Director M. Nguyen, seconded by Director A. Nguyen, to approve an off-site workshop/study session within the District's boundaries on February 11, 2023 to focus on goals and priorities for the Midway City Sanitary District and Interim General Manager. 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. RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, MAKING SPECIFIED FINDINGS AND REAUTHORIZING THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 AND GOVERNMENT CODE SECTION 54953(e) FOR MEETINGS OF THE MIDWAY CITY SANITARY DISTRICT BOARD OF DIRECTORS AND OTHER DISTRICT COMMITTEES SUBJECT TO STATE OPEN MEETINGS LAWS

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve adoption of Resolution No. 2023-02. 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

None

BOARD CONCERNS/COMMENTS

None

INTERIM GM/STAFF CONCERNS/COMMENT

Interim GM R. Housley reminded the Board of the District Employee Luncheon on January 18, 2023 and the ISDOC Virtual Quarterly Meeting on January 26, 2023.

GENERAL COUNSEL CONCERNS/COMMENTS

At President Diep's direction, General Counsel, J. Eggart convened the meeting to closed session at 6:09 P.M. pursuant to Government Code Section 54957.6, as identified on the agenda as item 14A, in order for the Board to confer with its designated Labor Negotiator representatives. General Counsel Eggart noted that Robert Housley and Joseph Larsen were the Designated Representatives.

CLOSED EXECUTIVE SESSION

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

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

- A. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
Agency Designated 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 6:51 PM.

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

ADJOURNMENT

President T. Diep adjourned the meeting at 6:52 PM to the next Board meeting to be held at the District on Tuesday, February 7, 2023 at 5:30 pm.

Andrew Nguyen

Andrew Nguyen, Secretary