

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

EVERYONE WHO ATTENDED THIS TELECONFERENCE MEETING ATTENDED FROM VARIOUS LOCATIONS PURSUANT TO THE PROVISION OF THE GOVERNOR'S EXECUTIVE ORDER WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT. AGENDA PACKETS WERE MADE AVAILABLE AT THE DISTRICT OFFICE AND A LINK, PHONE NUMBER AND ACCESS NUMBER WERE MADE AVAILABLE TO ANYONE WISHING TO ATTEND. PER STATE OF CALIFORNIA EXECUTIVE ORDER NO. N-29-20, AND IN THE INTEREST OF PUBLIC HEALTH AND SAFETY, THE DISTRICT STRONGLY ENCOURAGED MEMBERS OF THE PUBLIC TO PARTICIPATE IN THIS MEETING TELEPHONICALLY RATHER THAN ATTENDING IN PERSON.

May 5, 2020

CALL TO ORDER

President C. Nguyen called the special teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, May 5, 2020 at 10:01 A.M.

BOARD MEMBERS PRESENT:

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

OTHERS AT MEETING:

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

PLEDGE AND INVOCATION

Director A. Nguyen led the Pledge of Allegiance. GM K. Robbins gave the Invocation.

PUBLIC COMMENTS

None

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF APRIL 21, 2020
(Roll Call Vote)**

A motion was made by Director A. Nguyen, seconded by President C. Nguyen, to approve the minutes of the special meeting of April 21, 2020. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF APRIL 28, 2020
(Roll Call Vote)**

A motion was made by Director A. Nguyen, seconded by Director M. Rice, to approve the minutes of the special meeting of April 28, 2020. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 332,789.97 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	MEMO
1				CHECKS:	
2	11373	4/23	\$ 119.00	Advanced Workplace Strategies	Random Drug Testing for DOT
3	11374	4/23	\$ 322.31	AT&T	Brookhurst Lift Station APR 2020
4	11375	4/23	\$ 1,300.00	Ayala's Car Wash	Fleet wash 4/16, 4/20, 4/21 + Underpayment \$490 (4/13)
5	11376	4/23	\$ 1,243.74	Bodyworks Equipment, Inc	Replacement tailgate cylinders NG-10/cable carrier NG-5
6	11377	4/23	\$ 1,238.94	Chemsearch, Inc	Grease to Lube Heil system
7	11378	4/23	\$ 263.46	Cintas	Uniform Services for 4/16
8	11379	4/23	\$ 2,115.00	City of Westminster	1st Qtr 2020 Over The Top Fees
9	11380	4/23	\$ 56.23	City of Westminster	Hydrant Water Service for April 2020
10	11381	4/23	\$ 203.16	Daniel's Tire Service	Recap tire for CCC & Mack trucks
11	11382	4/23	\$ 771.99	Dartco Transmission Sales & Srvs	Transmission filters
12	11383	4/23	\$ 8,950.00	ECIS	FOG Inspections for March 2020
13	11384	4/23	\$ 318.35	Franklin Truck Parts, Inc	Gasket seal for hubs
14	11385	4/23	\$ 3,224.00	HB Staffing	Temp Employee Services Wk Ending 04/12/2020 & 04/19/20
15	11386	4/23	\$ 351.00	Hedman	DI-100 Tri color ink roller
16	11387	4/23	\$ 340.52	Hose-Man, Inc	Brake air hose
17	11388	4/23	\$ 150.00	Purchase Power	Postage for Postage Machine March 2020

18	11389	4/23	\$ 7.76	SoCal Auto & Truck Parts Inc	Restock windshield washer
19	11390	4/23	\$ 2,918.53	TEC of California, Inc	Brake component, caliper for 2nd axle
20	11391	4/23	\$ 7,781.00	Woodruff, Spradlin & Smart	Legal Services for March 2020
21	11392	5/1	\$ 178.50	Advanced Workplace Strategies	Random Drug Testing for DOT
22	11393	5/1	\$ 360.00	Ayala's Car Wash	Fleet wash 4/24
23	11394	5/1	\$ 2,051.98	Bodyworks Equipment, Inc	Hydraulic cylinder & tailgate cable for Heil system
24	11395	5/1	\$ 263.75	Cintas	Uniform Services for 4/16
25	11396	5/1	\$ 127,017.55	CR Transfer	Solid Waste&Organics Tonnage Fees 4/1/2020 through 4/15/2020
26	11397	5/1	\$ 1,116.00	CRC Cloud	Maintenance/Support April 2020-Firewall Security Gateway
27	11398	5/1	\$ 20,203.13	Daniel's Tire Service	New tire changer machine for fleet
28	11399	5/1	\$ 273.92	Franklin Truck Parts, Inc	Restock-Hub seals for CCC trucks
29	11400	5/1	\$ 1,156.78	Frontier Communications	District Office Phones & Lift Stations for April 2020
30	11401	5/1	\$ 67.80	LegalShield	Member Paid Services for March 2020
31	11402	5/1	\$ 4,103.68	Southern California Edison	District Offices, CNG Station and Lift Stations for April 2020
32	11403	5/1	\$ 1,156.40	Standard Insurance Company	Life Insurance & AD&D Premium Coverage for May 2020
33	11404	5/1	\$ 3,357.02	TEC of California, Inc	Restock- slack adjusters, brake pads, shoes, drums, air valves
34	11405	5/1	\$ 1,970.30	Trillium USA Company, LLC	Recertification of (19) CNG station pressure release valves
35			\$ 194,951.80	CHECKS SUBTOTAL	
36					
37	ACH	4/28	\$ 343.85	PAYROLL	457 Deferred Compensation (100% Paid By Board of Directors)
38	ACH	4/21	\$ 65,236.88	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
39	ACH	4/20	\$ 3,552.49	Nationwide Retirement Solutions	457 Deferred Compensation (100% Paid By Employees)
40	ACH	4/20	\$ 560.00	Nationwide Retirement Solutions	457 Roth (100% Paid By Employees)
41			\$ 69,693.22	ACH TRANSFERS SUBTOTAL	
42					
43				ACH PAYMENTS	
44	ACH	4/23	\$ 14,198.65	CalPERS	Retirement Contributions for 04/06/2020-04/19/2020
45	ACH	5/1	\$ 52,318.21	CalPERS	Active Employee and Retiree Health Ins Premiums for May 2020
46	ACH	5/1	\$ 1,628.09	CalPERS	Board of Directors Health Insurance Premiums for May 2020
47			\$ 68,144.95	ACH TRANSFERS SUBTOTAL	
48					
49			\$ 332,789.97	TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL, ACH TRANSFERS)	
50					
51				BANK TRANSFERS	
52		4/24	\$ 2,500,000.00	Transfer Funds from Money Market to Checking Account	
53					
54	LAIF	4/24	\$ 2,000,000.00	Transfer Funds from Checking Account to LAIF	

A motion was made by Director M. Rice, seconded by President C. Nguyen, to approve the expenditures in the amount of \$ 332,789.97. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President

President C. Nguyen reported that he and GM K. Robbins went on air on Vietnamese Radio talk radio and that it should be airing tonight (May 5) or tomorrow night (May 6).

President C. Nguyen reported that he, GM K. Robbins and General Counsel James Eggart attended a telephone conference meeting with Mayor Tri Ta and the City Manager from the City of Westminster on Monday, May 4, 2020 regarding Item 9D on the agenda.

Report of General Manager

GM K. Robbins reported that Director Krippner's wife sent a thank you note to the Board for the Edible Arrangement that was sent to her.

GM K. Robbins reported that the District did cross training last week for an additional mechanic because several trucks were down for repairs. The air compressors on the trucks have been failing due to condensation which is bad for air brakes. The District was able to figure out the problem on one truck before it became a bigger expense and problem for another four.

GM K. Robbins stated that the solid waste industry as a whole is feeling financial pressure due to COVID-19 and have suspended some of their services such as curbside recycling and bulky item collection. The District is also suffering from curbside recycling and signed up for possible credit from the County for "Disaster Debris". Waste Management reinstated their recyclables line at the MRF this week and are testing it out without employees doing it by hand to see the results and to hopefully divert recyclables from the landfill.

The District is planning to have a large clean up event to make up for past months once the Stay at Home order due to COVID-19 is lifted. WasteNotOC has offered to take care of Midway City and the District would handle the City of Westminster. Staff figures that approximately 30 tons per month has not been picked up due to suspension of the Bulky Item Program and it is now going into the second month of this service not being offered to the residents of the District. The District is planning to use the sewer crew and loaner trucks from CR&R in order to take on more during the potential clean up event.

Report from Orange County Sanitation District (OCSD) Meeting on April 22, 2020

Director A. Nguyen reported the meeting was an update on the budget and COVID-19. OCSD is fully staffed and operations are running at normal capacity. The budget for 2020-2021 was reported to be \$173 million and for 2021-2022, \$174 million.

Report from CR&R – First Quarter 2020 Tonnage Report

GM K. Robbins reported that the District's recycling number will be lower next quarter due to the MRF closing in March due to COVID-19. Just last week the District picked up over 1,100 tons of total residential refuse (normally around 800 tons) and the blue recycle carts are up around 168 tons.

Greg Karapoulos from CR&R arrived at the meeting at 10:24 A.M. He reported that the District's total diversion rate was 41%, which was down due to the Material Recovery Facility (MRF) closing in March. He stated that some of the haulers are reopening their MRF's and that CR&R's position is that they are waiting for word from the State as to when they will be able to reopen.

GM K. Robbins asked Greg Karapoulios if he thought that the State would be giving Disaster Tonnage Relief credit to the District since everything was going to the landfill.

Greg Karapoulios responded that it is looking likely and the County has started the process.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

A. Discussion of Election Information for the November 3, 2020 General Election and Transmittal of Election Information Special District **(Roll Call Vote)**

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by President C. Nguyen, seconded by Director A. Nguyen, to approve the District to authorize the Candidate's Statement of Qualifications to contain no more than 200 words and the District will not pay for a Candidate's Statement of Qualifications on the Transmittal of Election Information Special District. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meeting on Tuesday, May 19, 2020 at 5:30 P.M. to Special Teleconference Meeting held at 10 A.M. due to COVID-19 Pandemic **(Roll Call Vote)**

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by President C. Nguyen, seconded by Director M. Rice, to approve changing the regularly scheduled meeting of Tuesday, May 19, 2020 to 10 A.M. due to COVID-19. The motion was approved by the following 4-0 roll call vote:

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

C. Approve the Transferring and Reallocating of Funds into the Midway City Sanitary District's Reserve and Investment Accounts **(Roll Call Vote)**

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve the proposed transferring and reallocating of funds into the District's reserve and investment accounts as presented. The motion was approved by the following 4-0 roll call vote:

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

D. Discussion of Possible Options Regarding the Midway City Sanitary District Taking on Essential City Service to Pick up Abandoned Items **(Roll Call Vote)**

GM K. Robbins reported he met with the City of Westminster on Monday, May 4, 2020 and that the City is facing serious financial problems which are being exacerbated by COVID-19 and they reached out to the District again for help picking up abandoned items. He suggested that the District have General Counsel look into what can legally be done and get something in writing from OC LAFCO to stay ahead of this problem. He also suggested that the District plans to have some large clean up events.

Director M. Rice stated that she was opposed to the District having to hire additional employees and take the financial burden when it is the City's responsibility.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve staff to authorize General Counsel to coordinate with City Counsel and investigate and explore options of what the District can legally do and get a written opinion from OC LAFCO. The motion was approved by the following 4-0 roll call vote:

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

INFORMATIONAL ITEMS

A. CR&R Solid Waste and Recycling Services Annual Rate Adjustment – 2020-2021 (Tonnage Increase Effective July 1, 2020)

B. Nationwide – Midway City Sanitary District 457(b) Deferred Compensation Plan

Receive and file.

BOARD CONCERNS/COMMENTS

Director A. Nguyen thanked everyone for their thoughts and prayers for his wife's recovery.

Director S. Contreras asked that the District email him the phone number and access code for the teleconference meetings in the future.

Director M. Rice stated that she contacted Diane Dobbert regarding the District putting some information on Channel 3. She said that the District just needed to send a request form.

President C. Nguyen thanked everyone and told everyone to stay healthy.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that after his phone call with the interim City Manager yesterday he had staff send a care package from the District with all the information on services since they stated that they never saw anything advertising the Bulky Item service.

Director M. Rice stated that she was not able to get a refund for her flight reservation to New Orleans for the Waste Expo.

GM K. Robbins stated that she could turn her receipt in to the District for reimbursement and that the Waste Expo could be postponed again.

Finance/HR Director R. Housley thanked the Board for approving the transfers of District funds into reserve accounts and reported that Debbie Ralph, who has been a temporary employee, started her first official day at the District on May 4, 2020.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel James Eggart stated that he still had not received a response from County Counsel regarding the Board vacancy left by Director Krippner. He asked if the Resolution 2020-07 had been sent to the Registrar of Voters.

GM K. Robbins stated that it had been sent.

CLOSED EXECUTIVE SESSION

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

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

None

ADJOURNMENT

President C. Nguyen adjourned the meeting to Tuesday, May 19, 2020 at 10:00 A.M. at the District office at approximately 10:54 A.M.

Sergio Contreras
Sergio Contreras, Secretary