

**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**

October 19, 2021

CALL TO ORDER

President A. Nguyen called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, October 19, 2021 at 5:30 P.M.

BOARD MEMBERS PRESENT:

Tyler Diep
Sergio Contreras (arrived @ 5:42PM)
Chi Charlie Nguyen
Andrew Nguyen
Mark Nguyen

OTHERS AT MEETING:

Ken Robbins. General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Executive Board Secretary
Ashton Kauwe, Resident

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

A RESOLUTION NO. 2021-09 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, MAKING SPECIFIED FINDINGS RELATING TO 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
(Roll Call Vote)

General Counsel J. Eggart stated that this was the resolution that the Board requested at the last Board meeting which will allow for teleconference Board meetings.

A motion was made by Director C. Nguyen, seconded by Director T. Diep, to adopt Resolution No. 2021-09. The motion was approved by the following 4-0 roll call vote:

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

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF OCT. 5, 2021
 (Roll Call vote)**

A motion was made by Director T. Diep, seconded by Director C. Nguyen, to approve the minutes of the regular meeting of October 5, 2021. The motion was approved by the following 4-0 roll call vote:

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

APPROVAL OF EXPENDITURES (Roll Call vote)

A. Demands in the amount of \$ 347,846.96

#	CK #	Date	AMOUNT	VENDOR	
				CHECKS:	MEMO:
1	13165	10/1	\$ 3,944.50	SDRMA - Employee Benefits	Dental and Vision benefits Sep-2021
2	13166	10/1	\$ 1,186.64	Standard Insurance Company	Life Insurance & AD&D Premium Coverage
3	13167	10/6	\$ 412.70	Advanced Workplace Strategies, Inc	DOT random drug testing
4	13168	10/6	\$ 2,494.65	Atlas Radiator, Inc.	Radiator repairs for NG-6 for solid waste truck
5	13169	10/6	\$ 715.00	Ayala's Car Wash	Fleet vehicle wash 9/27/21 and 10/04/21
6	13170	10/6	\$ 2,940.17	Bodyworks Equipment, Inc.	Restock hydraulic hoses for Solid Waste trucks
7	13171	10/6	\$ 274.40	Cintas	Employee uniform services for 09/30/21
8	13172	10/6	\$ 3,000.00	Cliffon Larson Allen, LLP	FYE 06/30/21 audit
9	13173	10/6	\$ 93,257.20	CR Transfer Incorporated	Tonnage from 09/16/21 through 09/30/21
10	13174	10/6	\$ 2,305.24	CRC Cloud	MS office laptop for extra work station and maint. & support Oct-2021
11	13175	10/6	\$ 4,848.72	Daniel's Tire Service	Restock tires for solid waste
12	13176	10/6	\$ 179.44	Dintech	Business Cards (500/each) Daveta Kelley, Mark Nguyen and Randy Griffith
13	13177	10/6	\$ 549.00	Frog Environmental	MCSD Facility industrial storm water monitoring
14	13178	10/6	\$ 1,187.97	Frontier Communications	District Office Phones & Lift Stations
15	13179	10/6	\$ 7,119.02	Haaker Equipment Company	Repairs for Sewer Maint. Vactors
16	13180	10/6	\$ 1,674.00	HB Staffing	09/20/21-09/26/21 for temp services
17	13181	10/6	\$ 81.12	Hillco Fastener Warehouse Inc	Radiator parts for Solid Waste trucks
18	13182	10/6	\$ 425.00	Konecranes, Inc.	Qtrly. inspection & preventative maint. of Shop crane
19	13183	10/6	\$ 420.00	Memorial Care Medical Foundation	Pre-employment drug test and DMV physical for CDL
20	13184	10/6	\$ 192.00	Miguel Jimenez	Reimb. CWEA membership per MOU
21	13185	10/6	\$ 15,583.13	Orange County Sanitation District	Permit fees September-2021
22	13186	10/6	\$ 134.65	Paychex - Employee Screening	Pre-employment employee screening services
23	13187	10/6	\$ 4,105.09	Rengel + Company Architects, Inc	Building Project: reproductions/plotting
24	13188	10/6	\$ 1,968.81	Safety-Kleen Systems, Inc.	Restock trans oil for refuse trucks
25	13189	10/6	\$ 300.00	Streamline	Website Monthly Member Fee Oct-2021
26	13190	10/6	\$ 105.41	TrucPar Company	Restock parts for solid waste trucks
27	13191	10/6	\$ 975.49	TSP Printing	(2,750) Driver VIR Books
28	13192	10/8	\$ 1,674.00	HB Staffing	09/27/21-10/03/21 for temp services

29	13193	10/8	\$ 892.62	Orange Line Oil Company	Restock motor oil for solid waste trucks
30	13194	10/8	\$ 1,000.00	Shuster Advisory Group, LLC	Advisory Fee 457(b) and OBRA plans - Q3 2021
31	13195	10/8	\$ 115.17	TrucPar Company	Re-stock rod ends for solid waste trucks
32	13196	10/8	\$ 13,537.98	US Bank Corporate Payment Systems	District Credit Cards
33	13197	10/11	\$ 5,968.00	Tuyen Vuong Sole Prop	Refund for OC San for no charge ADU
34	13198	10/12	\$ 1,533.59	Wex Bank (Chevron)	Fuel Credit Card for Oct 2021
35	13199	10/12	\$ 274.40	Cintas	Employee uniform services for 10/07/21
36	13200	10/12	\$ 21.75	Hillco Fastener Warehouse Inc	Restock lock-nuts for solid waste trucks
37	13201	10/12	\$ 946.96	Hose-Man	Replacement parts for NG-6 for solid waste trucks
38	13202	10/12	\$ 2,334.80	Los Angeles Freightliner	Parts for sewer maint. and solid waste trucks
39	13203	10/12	\$ 474.97	Snap-on Tools	Tools for tool box for shop
40	13204	10/12	\$ 12.54	SoCal Auto & Truck Parts, Inc.	Parts for sewer maint.
41	13205	10/12	\$ 8,772.63	SoCal Gas	CNG Station from 09/01/2021 through 10/01/2021
42	13206	10/12	\$ 117.10	TrucPar Company	Restock parts for solid waste trucks
43	13207	10/12	\$ 993.79	Verizon	SCADA Oct-2021
44	13208	10/13	\$ 94.50	Advanced Workplace Strategies, Inc.	DOT random drug and alcohol testing
45	13209	10/13	\$ 33.09	Cameron Welding Supply	Propane for forklift
46	13210	10/13	\$ 1,482.24	Orange County Treasurer-Tax Collector	07/01/21-06/30/22 Secured Property Tax Fees (For OCSan)
47			\$ 190,659.48	CHECKS SUBTOTAL	
48					
49				PAYROLL:	MEMO
50	ACH	10/5	\$ 77,165.30	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
51			\$ 77,165.30	ACH TRANSFERS SUBTOTAL	
52					
53				ACH PAYMENTS:	MEMO
54	ACH	9/20	\$ 280.59	Paychex	Time & Attendance September-2021
55	ACH	10/1	\$ 4,936.82	CalPERS	Board of Directors Health Insurance Premiums for October 2021
56	ACH	10/1	\$ 52,754.21	CalPERS	Active Employee and Retiree Health Ins Premiums October 2021
57	ACH	10/4	\$ 4,767.99	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
58	ACH	10/6	\$ 906.69	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
59	ACH	10/6	\$ 16,375.88	CalPERS	Retirement Contributions for 09/20/21-10/03/21
60			\$ 80,022.18	ACH TRANSFERS SUBTOTAL	
61					
62			\$ 347,846.96	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
63					
64				BANK TRANSFERS:	
65	UB	10/1	\$ 200,000.00	Transfer Funds from UB Money Market to UB Checking Account	
66	UB	10/6	\$ 300,000.00	Transfer Funds from LAIF to Union Bank Checking	
67			\$ 500,000.00	BANK TRANSFERS	

A motion was made by Director C. Nguyen, seconded by President A. Nguyen to approve the expenditures in the amount of \$ 347,846.96. The motion was approved by the following 3-0-1 roll call vote:

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

NAYS:

ABSTAIN: T. Diep

ABSENT: S. Contreras

REPORTS

Report of President

President A. Nguyen thanked the Board and staff for their support and everything they did after he had his heart attack two weeks ago.

Report of General Manager

GM K. Robbins stated that some executives from Heil Body would be at the District next week talking about the organics program and speaking with the District's drivers and mechanics to see how they can improve their trucks with regard to picking up organics.

GM K. Robbins reported he would like to schedule an Administrative Day luncheon on December 16, 2021 since the last two had been cancelled due to the pandemic and prior to Julia Book retiring. He also reminded the Board of the luncheon at the District on Wednesday, October 20, 2021 at noon at which he was planning to take a new group photo for the annual calendar.

GM K. Robbins stated that he would be out on vacation next week.

Report from the Orange County Sanitation District (OC San) Meetings on Sept. 22, 29 & Oct. 6, 13, 2021

President A. Nguyen reported that there was discussion regarding two lawsuits, their 20-year capital improvements plan to maintain and replace the infrastructure required to provide essential wastewater services to 2.6 million people in Orange County which is worth about \$475 million. There were repairs at the Bay Bridge pump station in Newport Beach and an update on OC San's sewage construction project. They will begin construction on part of the project next month at Westminster Blvd. and Rancho Road in Westminster. OC San also passed a resolution to allow for the executive Board to call in for meetings due to the Governor's new executive order.

Director S. Contreras arrived at the meeting at 5:42 PM

Report from the Clean Up Event at Sigler Park on Oct. 9, 2021

Directors M. Nguyen, C. Nguyen, A. Nguyen and S. Contreras all attended and felt that there was a great turn out and that the people dropping off were very appreciative.

Director C. Nguyen stated that the flyers for the next clean up event should be translated into Spanish and Vietnamese.

CONSENT CALENDAR

(Roll Call vote)

- A. Approve and File the Treasurer's Investment Report for September 2021
- B. Approve the 1st Quarter Fiscal Year 2021-2022 Financial Reports and Budget Review
- C. Approve Fiscal Year 2021-2022 Budget Adjustments No. 1

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the Consent Calendar. The motion was approved by the following 5-0 roll call vote:

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

OLD BUSINESS

None

NEW BUSINESS

A. Consider and Approve the Fiscal Year 2019-2020 Independent Financial Audit Report for Midway City Sanitary District (July 1, 2020 through June 30, 2021)
(Roll Call vote)

Kassie Rademacher called in to present a Power Point presentation of the results of the District's fiscal year 2019-2020 independent financial audit report to the Board.

A motion was made by Director C. Nguyen, seconded by Director T. Diep, to receive and file the District's fiscal year 2019-2020 independent financial audit report. The motion was approved by the following 5-0 roll call vote:

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

B. Receive and File the June 30, 2021 Actuarial Valuation and GASB 75 Report on Other Post-Employment Benefits (OPEB) Liabilities of the Midway City Sanitary District for Fiscal Year Ending June 30, 2021
(Roll Call vote)

A motion was made by Director C. Nguyen, seconded by President A. Nguyen, to receive and file the District's June 30, 2021 actuarial valuation and GASB 75 report on other post-employment benefits (OPEB) liabilities for fiscal year ending June 30, 2021. The motion was approved by the following 5-0 roll call vote:

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

C. Appointment of New alternate Director to the Orange County Sanitation District (OCSD) Board
(Roll Call vote)

President A. Nguyen appointed Director M. Nguyen as the District's Alternate representative to Orange County Sanitation District.

D. Discussion and Consideration of Holding an Open House at the District in February 2022
(Roll Call vote)

Director T. Diep stated that Lunar New Year would fall on February 1, 2022 so the District should schedule an Open House for the following week in order to not coincide or compete with other events.

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to hold an Open House at the District on February 12, 2022. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

A motion was made by Director S. Contreras, seconded by Director C. Nguyen, to form an Ad Hoc Committee for the Spring Open House consisting of President A. Nguyen and Director T. Diep. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

A. U.S. Bank to Acquire MUFG Union Bank

B. Governor Signs AB818 Helping to Keep Wipes Out of the Pipes

Receive and file.

Director C. Nguyen left the dais at 6:07 PM, but continued to participate in the meeting via teleconference.

BOARD CONCERNS/COMMENTS

Director S. Contreras stated that he was glad to see that President A. Nguyen was okay and was surprised to see him at the Clean-up event. He stated he was looking forward to the District's Christmas event as well.

President A. Nguyen thanked Director S. Contreras and GM K. Robbins for visiting him in the hospital and everyone else for their good wishes and prayers.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that he was glad to see that President A. Nguyen was doing well, and reminded everyone of the luncheon on Wednesday, October 20th and the Facebook video on Friday, October 22nd.

Finance/HR Director R. Housley thanked the Board for their support with the audit and financials and stated that he was glad to see President A. Nguyen doing so well.

GENERAL COUNSEL CONCERNS/COMMENTS

None

CLOSED EXECUTIVE SESSION

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

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

None

ADJOURNMENT

President A. Nguyen adjourned the meeting to Tuesday, November 2, 2021 at 5:30 P.M. at the District office at approximately 6:17 P.M.

Sergio Contreras
Sergio Contreras, Secretary