

MIDWAY CITY SANITARY DISTRICT

BOARD OF DIRECTORS REGULAR MEETING AGENDA DISTRICT OFFICE BOARD ROOM 14451 CEDARWOOD STREET WESTMINSTER, CA 92683

Tuesday, August 6, 2024
5:30 P.M.

OUR MISSION STATEMENT

THE BOARD OF DIRECTORS AND EMPLOYEES OF THE 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 AND DECLARATION OF QUORUM

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. PRESENTATIONS

None.

5. APPROVAL OF THE MINUTES

A. Approve Minutes of the Regular Board of Directors Meeting on July 16, 2024

6. REPORTS

The President, General Manager, Legal 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 General Manager
- C. Report of Director of Services & Program Development
- D. Report of City of Westminster Safety Day on July 17, 2024
- E. Report of Compost/Shredding Event on July 20, 2024
- F. Report of Outreach Committee Meeting on July 24, 2024
- G. Report of OC San Board of Directors Meeting on July 24, 2024
- H. Report of ISDOC Quarterly Luncheon on July 25, 2024
- I. Report of Radio Outreach with VNCR on July 26, 2024
- J. Report of District Employee Luncheon on July 31, 2024

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. Receive and File the Register of Demands in the Amount of \$393,809.86
- B. Approve the July 24, 2024 Outreach Committee Recommendations
- C. Recognition and Approval of a 10-year Accident and Injury Free Award for Fleet Maintenance Mechanic, Carlos Gomez, in the Amount of \$300
- D. Acceptance of Improvements Completed Pursuant to the Midway City Sanitary District Addition and Remodel, Project No. 202041, and Authorization for the Recording of a Notice of Completion
- E. Acceptance of Improvements Completed Pursuant to Projects for Emergency Sewer Main Repairs and Emergency CIPP Lining in Webber Place and Pembroke Lane and Authorization for the Recording of a Notice of Completion

8. OLD BUSINESS

None.

9. NEW BUSINESS

- A. RESOLUTION 2024-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, ADOPTING A CONFLICT OF INTEREST CODE WHICH SUPERCEDES ALL PRIOR CONFLICT OF INTEREST CODES AND AMENDMENTS PREVIOUSLY ADOPTED *(Roll Call Vote)*

B. RESOLUTION 2024-19

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ESTABLISHING A POLICY FOR RESPONDING TO PUBLIC RECORDS ACT REQUESTS (*Roll Call Vote*)

10. INFORMATIONAL ITEMS

- A. CalPERS Reports Preliminary 9.3% Investment Return for 2023-24 FY

11. BOARD CONCERNS AND COMMENTS**12. GM/STAFF CONCERNS AND COMMENTS****13. GENERAL COUNSEL CONCERNS AND COMMENTS****14. CLOSED SESSION ITEMS**

- A. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
Title: Agency Designated Representatives: GM Robert Housley, Labor Counsel Joseph Larsen
Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

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.

15. ADJOURNMENT TO TUESDAY, AUGUST 20, 2024

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

July 16, 2024

CALL TO ORDER:

President M. Nguyen called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Street, Westminster, California on Tuesday, July 16, 2024 at 5:35 P.M.

BOARD MEMBERS PRESENT:

Mark Nguyen
Tyler Diep (arrived at 5:53 P.M.)
Sergio Contreras
Andrew Nguyen

STAFF MEMBERS PRESENT:

Robert Housley, General Manager
Ashley Davies, Director of Servs. & Program Development
Milo Ebrahimi, District Engineer, P.E
Cynthia Olsder, Board Secretary

DIRECTORS ABSENT:

Chi Charlie Nguyen

OTHERS PRESENT:

James H. Eggart, General Counsel, Woodruff & Smart
Christopher Logan, VP National Accounts Clean Energy

PLEDGE OF ALLEGIANCE AND INVOCATION:

Director S. Contreras led the Pledge of Allegiance. Director A. Nguyen gave the Invocation.

PUBLIC COMMENTS:

None.

PRESENTATIONS:

None.

APPROVAL OF MINUTES:

A. Approve Minutes of the Regular Board of Directors Meeting on July 2, 2024

A motion was made by Director S. Contreras, seconded by President M. Nguyen, to approve the minutes of the regular meeting on July 2, 2024. The motion was approved by the following 3-0 vote:

AYES: A. Nguyen, M. Nguyen, S. Contreras

NAYS:

ABSTAIN:

ABSENT: C. Nguyen, T. Diep

REPORTS:**Report of President**

None.

Report of the General Manager

GM R. Housley provided updates on events occurring at the District.

Report of the Director of Services & Program Development

Director of Services & Program Development A. Davies reported on the outreach activities she will be participating in this coming week.

Report of Calendar Committee Meeting on July 10, 2024

Director T. Diep and Director S. Contreras reported that they attended the meeting and discussed minor changes and updates to the calendar. The next meeting is scheduled for August 22, 2024.

Report of Radio Outreach with Radio Bolsa on July 9, 2024

Director A. Nguyen and Director S. Contreras attended the event to inform the community about SB 1383, the upcoming compost giveaway event, and all the services the District offers.

CONSENT CALENDAR:

- A. Receive and File the Register of Demands in the Amount of \$1,207,492.21
- B. Approve and File the Treasurer's Investment Report for June 2024
- C. Received and File the Engineer Report for June 2024

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 3-0 vote:

AYES: A. Nguyen, M. Nguyen, S. Contreras

NAYS:

ABSTAIN:

ABSENT: C. Nguyen, T. Diep

OLD BUSINESS:

None.

Director T. Diep arrived at 5:53 P.M.

NEW BUSINESS:

- A. Consider Approval of Updated Agreements with Clean Energy Renewable Fuels, LLC for the Sale and Purchase of Natural Gas

A staff report and recommendations were provided to and considered by the Board. A motion was made by President M. Nguyen, seconded by A. Nguyen, to approve the agreement with Clean

Energy Renewable Fuels and authorize the General Manager to execute the proposed new transaction confirmations for the sale and purchase of natural gas. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

B. Consider the Purchase of One (1) New Trailer Mounted Portable Generator

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve the purchase of one new trailer mounted portable generator from Volvo Construction Equipment & Services in the amount of \$42,325.99 and authorize the General Manager to execute all necessary documents for said purchase and to expend up to an additional \$10,000 for unanticipated associated expenditures or pricing changes resulting from supply chain or production issues. The motion was approved by the following 4-0 call vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

INFORMATIONAL ITEMS:

- A. Independent Special Districts of Orange County (ISDOC) Quarterly on Luncheon July 25, 2024
- B. Notification of Evaluation and Review for Midway City Sanitary District's Waste Diversion Programs

Received and File.

BOARD CONCERNS AND COMMENTS:

The Directors thanked Staff.

GM/STAFF CONCERNS AND COMMENT:

None.

GENERAL COUNSEL CONCERNS AND COMMENTS:

None.

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.

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ADJOURNMENT:

President M. Nguyen adjourned the meeting at 6:14 P.M. to the next Board Meeting to be held at the District on Tuesday, August 6, 2024, at 5:30 P.M.

Andrew Nguyen, Secretary

AGENDA ITEM 7A

Date: August 06, 2024

To: Board of Directors

From: Robert Housley, General Manager

Prepared by: Mariana Sanchez, Accountant

Subject: Receive and File the Register of Demands in the Amount of \$393,809.86

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 on adopted and approved budget appropriations.

DISCUSSION

The Treasurer has duly reviewed the demands on the attached register.

FISCAL IMPACT

The total value of demand for this period is \$393,809.86. This includes expenses, payroll, and payroll-related disbursements.

Sufficient funds are available to process all payments.

STAFF RECOMMENDATION

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

ATTACHMENTS

1. Disbursement details for August 06, 2024

Midway City Sanitary District

Accounts Payable Expenditures, Payments, Payroll, and ACH Payment(s) Report

Prepared for Board Meeting held on August 06, 2024

Type	Num	Date	Name	Memo	Paid Amount
Check	15853	07/12/2024	Void check		0.00
Check	15854	07/12/2024	AKM Consulting Engineers, Inc.	Project No. 2351831.00	
Bill	0012900	06/30/2024		Sewer System Master Plan 06/03/24 - 06/28/24	4,284.50
					4,284.50
Check	15855	07/12/2024	AT&T Mobility (First Net)	Acct # 287341896497	
Bill	287341896497X071024	06/30/2024		June 2024	45.05
					45.05
Check	15856	07/12/2024	Bodyworks Equip. Inc.		
Bill	47759	07/08/2024		RR Dump Cylinder, 1-38" Rod (2)	1,770.69
Bill	47760	07/08/2024		RR Pivot Hose Kit (2), Tube (6), Interface Box (1), Hose Control Box (1), Control Box Harness (1)	3,293.30
					5,063.99
Check	15857	07/12/2024	CR&R Incorporated	Acct # 63-0001259-2	
Bill	185339	06/30/2024		Clean-Up Event Bolsa Chica Park (17.62) 6/3/24	1,083.69
					1,083.69
Check	15858	07/12/2024	CRC Cloud		
Bill	2103040	07/01/2024		Maintenance & Support July-2024	2,501.00
Bill	2103053	07/08/2024		HP ProBook 450 Notebook (1) + Setup M. Mai	1,738.44
					4,239.44
Check	15859	07/12/2024	Cummins Pacific LLC	Ref. No. 132205 PO# 268958	
Bill	X4-50334	06/26/2024		Engine Light Repairs ECM Calibration NG-13	1,030.95
					1,030.95
Check	15860	07/12/2024	Daniels Tire Service	Cust # 2002338 Ref # 911882	
Bill	200509525	07/02/2024		Recap Tires (2)	473.19
					473.19
Check	15861	07/12/2024	HB Staffing/Cathyjon Enterprises, Inc.	Client# 341347	
Bill	4416222	06/30/2024		Engineering Asisstant (24.0) 06/24/24 - 06/28/24	946.08
					946.08
Check	15862	07/12/2024	Me Viet Nam Productions	JUNE-2024	
Bill	107 June2024	06/30/2024		Talk Show 20 minutes (5) 6/15/24 - 6/23/24	2,000.00
					2,000.00
Check	15863	07/12/2024	Mighty Ant Pest Control	Pest Control	
Bill	M070624	07/06/2024		Ant Pest Control - Main Office & Locker Rooms	250.00
					250.00
Check	15864	07/12/2024	Orange County Treasurer-Tax Collector	LAFCO 24-25	
Bill	GA24250050	07/01/2024		LAFCO FY2024-25	24,352.33
					24,352.33
Check	15865	07/12/2024	Pitney Bowes/Purchase Power	Acct # 80000-90000-0933-5138	
Bill	80009000093351380624	06/30/2024		Postage June-2024	100.00
				Postage Meter Supplies June-2024	112.30
					212.30
Check	15866	07/12/2024	Shuster Advisory Group, LLC	Q2 2024 Advisory Fee for 457(b) & OBRA Plans	
Bill	5800	06/30/2024		Advisory Fee for 457(b) & OBRA plans Q2 2024	1,300.00
					1,300.00
Check	15867	07/12/2024	SoCalGas		
Bill	19380926006 07102024	07/10/2024		Maint. Shop & Wash Rack - Jul 2024	24.96
Bill	19170926059 071024	07/30/2024		District Offices July 2024	29.64
					54.60
Check	15868	07/12/2024	South Coast Air Quality Management Dist.		
Bill	4377514	06/18/2024		I C E Generator - Diesel 14451 Cedarwood St.	541.04
Bill	4378439	07/01/2024		FY24-25 Flat Fee for Fiscal Year Emissions	165.96
					707.00

Type	Num	Date	Name	Memo	Paid Amount
Check	15869	07/12/2024	Southwest Patrol, Inc.		
Bill	76116	06/30/2024		Patrol Service 6/1/24 - 6/30/24	1,240.00
					1,240.00
Check	15870	07/12/2024	Staples Business Credit	Acct # 10181543LA	
Bill	7001149994	06/25/2024		Office Supplies June-2024	181.05
					181.05
Check	15871	07/12/2024	UniFirst Corporation		
Bill	2190197712	07/05/2024		July - 2024	279.57
Bill	2190197713	07/05/2024		July - 2024	77.24
Bill	2190197714	07/05/2024		July - 2024	69.66
Bill	2190197715	07/05/2024		July - 2024	16.23
					442.70
Check	15872	07/12/2024	WEX Health Inc - Reserve Account	Reserve Funds Customer ID 45927	
Bill	HRA 07/24-12/24	07/01/2024		Reserve Funds for HRA 07/24 - 12/24	19,500.00
					19,500.00
Check	15873	07/19/2024	Akeso Occupational Health		
Bill	EM005974	07/15/2024		Drug Screen/Physical - Arviza, Sr., Juan	120.00
				Physical - Pre-Employment/Post-Offer - Castro, Juan	110.00
				Physical - DOT - Leon, Octavio	100.00
					330.00
Check	15874	07/19/2024	AT&T Mobility (First Net)	Acct # 287291683611	
Bill	287291683611X0724	06/30/2024		June 2024	382.75
				June 2024	146.14
				June 2024	115.25
					644.14
Check	15875	07/19/2024	City Green Consulting, LLC	SB1383 Program Assistance Services	
Bill	SWC-24-25-3	06/30/2024		Services through June 30, 2024	4,444.00
					4,444.00
Check	15876	07/19/2024	City of Westminster Hydrant	Acct #013-0012-00 Customer #045973	
Bill	87523 07/15/24	07/15/2024		Hydrant Water Service July-2024	84.94
					84.94
Check	15877	07/19/2024	CRC Cloud	MCSD	
Bill	2103056	07/12/2024		iPad setup (8)	1,580.00
					1,580.00
Check	15878	07/19/2024	Cummins Pacific LLC	PO# 28571	
Bill	X5-93866	07/11/2024		Kit, Spark Plug (6), Extension, Ignition Coil (6)	1,361.79
					1,361.79
Check	15879	07/19/2024	Daniels Tire Service	Cust # 2002338 Ref # 914193	
Bill	200510450	07/18/2024		Recap Tires (9)	2,091.04
					2,091.04
Check	15880	07/19/2024	Driveshaftpro	Acct # 1557 P.O. # 28573	
Bill	640554	07/12/2024		Center Bearing Assy (1), U-Jpoint Kit (3), Boot Kit (1) plus labor for NG-7	963.04
					963.04
Check	15881	07/19/2024	John Nguyen		
Bill	07112024	07/11/2024		Videographer & Highlight Clip for Composte Event	1,500.00
					1,500.00
Check	15882	07/19/2024	Merchants Building Maintenance, LLC	Cust # 33114	
Bill	813975	07/10/2024		Janitorial Services July - 2024	588.42
					588.42
Check	15883	07/19/2024	Paper, Recycling & Shredding Specialist	Paper Shredding for Compost Event 7/20/24	
Bill	7/20/24 Compost Evnt	07/01/2024		Paper Shredding for 7/20/24 Compost Event	1,200.00
					1,200.00
Check	15884	07/19/2024	Plumbers Depot Inc.	SO No. 52594 PO Randy	
Bill	PD-56636	07/15/2024		Leader Hose, 1" x 15' (2)	631.24
					631.24
Check	15885	07/19/2024	Rutan & Tucker, LLP	Account # 014843-0001	
Bill	998965	06/30/2024		Legal Services June-2024	2,755.00
					2,755.00

Type	Num	Date	Name	Memo	Paid Amount
Check	15886	07/19/2024	Safety-Kleen Systems, Inc.		
Bill	94722825	06/27/2024		Parts washer for shop use	290.40
Bill	94947619	07/02/2024		Anti-freeze	536.18
					826.58
Check	15887	07/19/2024	SDRMA - Claims	Claim # AD2324009356-0001 Ref# C00535	
Bill	C00535	07/17/2024		Claim Incident dated 10/10/2023	1,000.00
					1,000.00
Check	15888	07/19/2024	Snap-On Tools	PO# 28577	
Bill	07172491476	07/17/2024		1/2DR 12pc 6pt Sem Imp SktSet (1)	432.83
					432.83
Check	15889	07/19/2024	SoCal First Aid & Safety		
Bill	103742	06/30/2024		Restock first aid kits	377.40
					377.40
Check	15890	07/19/2024	Spectrum Enterprise (Time Warner Cable)	Acct # 8448 40 013 1162435	
Bill	1162435070924	07/09/2024		July-2024	1,349.00
					1,349.00
Check	15891	07/19/2024	TEC Of California, Inc.		
Bill	1449150L	07/03/2024		Flex Tubing (1), Cross Tube (1), Replacement (4)	1,947.14
Bill	1448987L	07/05/2024		RC-ADB150MMU U Shaped R (2)	665.87
Bill	1452260L	07/10/2024		Cac Connector (3), Rod (3), Spacer (3)	233.03
Bill	1454595L	07/11/2024		Lock (1) for NG-13	707.17
Bill	5030079XS	07/17/2024		Repairs done to NG-13	470.36
Bill	5030049XS	07/17/2024		Repairs done to NG-14	470.36
Bill	1454904L	07/17/2024		Kit, Air Compressor (1), Gasket (1) for NG-15	5,190.60
					9,684.53
Check	15892	07/19/2024	UniFirst Corporation		
Bill	2190201090	07/12/2024		July - 2024	238.04
Bill	2190201091	07/12/2024		July - 2024	77.27
Bill	2190201092	07/12/2024		July - 2024	69.66
Bill	2190201093	07/12/2024		July - 2024	16.23
					401.20
Check	15893	07/19/2024	Woodruff & Smart	ID: 2003-JHE	
Bill	76502	06/30/2024		Legal Services June-2024	5,167.80
					5,167.80
Check	15894	07/19/2024	Larson Lighting and Audio, Inc.	Board Room AV Equipment	
Bill	LLA0555	07/18/2024		Board Room AV Equipment and Installation	22,717.21
					22,717.21
Check	15895	07/22/2024	Dtntech	Bowling Green Park Cleanup Mailer	
Bill	19128	07/19/2024		Bowling Green Park Cleanup Mailer (1000)	1,075.13
					1,075.13
Check	15896	07/26/2024	Larson Lighting and Audio		0.00
Check	15897	07/26/2024	Alcoa Traffic Control, Inc.	Alcoa Receipt# 05270	
Bill	MCSD-002	07/20/2024		Traffic control for compost event 7/20/24	1,470.00
					1,470.00
Check	15898	07/26/2024	American Rentals		
Bill	561667	07/18/2024		Trailer Concrete drum (1.5 yds)	330.28
					330.28
Check	15899	07/26/2024	AT&T (Brookhurst Lift Station)	Acct # 714 531-0272 115 1	
Bill	7145310272 07/24	07/13/2024		Brookhurst July-2024	600.41
					600.41
Check	15900	07/26/2024	Bodyworks Equip. Inc.	PO# 28579	
Bill	47848	07/18/2024		Relief Valve (2), Main relief (2), Hopper Skirt (1), Arm Raise Cylinder (1)	2,936.37
					2,936.37
Check	15901	07/26/2024	Cameron Welding Supply		
Bill	1649513-00	07/19/2024		Propane, Liquefied 2.1 (1), Pick-Up MT (1), Glove, Metalworker, X-Large (2), Revco Tigster Flame...	151.93
Bill	1644024-00	07/19/2024		4 1/2 x 5/8-11 Cut Off Wheel (20)	108.53
Bill	1643573-01	07/19/2024		Drive Roll Kit .45 v 2 Roll (1)	71.69

Type	Num	Date	Name	Memo	Paid Amount
					332.15
Check	15902	07/26/2024	Clean Energy	Cust # 124470 Order # F5OW1363803	
Bill	CEW12695153	06/28/2024		CNG Station Service 05/1/24 & 5/3/24, Recertification	6,776.18
					6,776.18
Check	15903	07/26/2024	Encore Commercial Products, Inc.	PO# 05142024	
Bill	168999	07/12/2024		Custom Ballard (3)	2,210.91
					2,210.91
Check	15904	07/26/2024	HB Staffing/Cathyjon Enterprises, Inc.	Client# 341347	
Bill	4419992	07/11/2024		Engineering Asisstant (24.0) 07/01/24 - 07/03/24	946.08
					946.08
Check	15905	07/26/2024	Hillco Fastener Warehouse Inc.	Order No. 01386705	
Bill	5380943	07/19/2024		Restock bolts, washers, locknuts, wire ties	206.13
					206.13
Check	15906	07/26/2024	Orange County Sanitation District	MCSO June Permit Fees 2024	
Bill	Permit Fees Jun-2024	06/30/2024		Permit Fees June-2024	20,169.99
					20,169.99
Check	15907	07/26/2024	Pre-Paid Legal Services, Inc.	Group #155124	
Bill	155124 072524	07/25/2024		Prepaid Legal July-2023	33.90
					33.90
Check	15908	07/26/2024	Rengel + Company Architects, Inc		
Bill	202041.0511	06/11/2024		Bldg Proj Mgt (Architects)	646.50
Bill	20204143	06/11/2024		Bldg Proj Mgt (Architects)	600.00
					1,246.50
Check	15909	07/26/2024	Samsara Inc.	Order # S-1123377 PO# Q413592	
Bill	310519553199141	07/22/2024		License/Support Vehicle Cameras 07/22/24-07/21/25 (18)	19,714.96
				License/Support Vehicle Cameras 07/22/24-07/21/25 (5)	5,476.38
				License/Support Vehicle Cameras 07/22/23-07/21/24 (2)	2,190.55
					27,381.89
Check	15910	07/26/2024	SDRMA - Employee Benefits	Member # 7732	
Bill	H46158	08/01/2024		August - 2024	614.09
				August - 2024	1,671.71
				August - 2024	813.70
				August - 2024	527.36
				August - 2024	453.41
				August - 2024	113.93
				August - 2024	266.26
				August - 2024	97.42
				August - 2024	98.48
				August - 2024	48.71
					4,705.07
Check	15911	07/26/2024	SDRMA - Property/Liability	Member No. 7732	
Bill	76151	06/30/2024		Insurance for EV Stakebed Truck Demo 4/22/24-4/27/24	101.65
					101.65
Check	15912	07/26/2024	Southern California Edison		
Bill	700884706025 7/24	07/19/2024		Cedarwood 6/18/24 - 7/18/24	7,800.18
Bill	700472251517 072224	07/22/2024		Willow July-2024	418.87
				Brookhurst July-2024	216.60
				Hammon July-2024	981.15
				Westminster July-2024	1,491.45
					10,908.25
Check	15913	07/26/2024	UniFirst Corporation		
Bill	2190203961	07/19/2024		July - 2024	213.08
Bill	2190203962	07/19/2024		July - 2024	144.41
Bill	2190203963	07/19/2024		July - 2024	69.66
Bill	2190203964	07/19/2024		July - 2024	16.23
					443.38
Check	15914	07/26/2024	Volvo Construction Equipment & Services	Customer No. BP0004344	
Bill	EQ0016832	07/22/2024		Mobile Generator 40kVa (32KW) G40WDO SN 512140	42,325.99
					42,325.99
Check Total					\$251,737.29
ACH Payment	1902709	07/08/2024	SoCalGas	Acct # 021-760-4610 6	

Type	Num	Date	Name	Memo	Paid Amount
Bill	02176046106 0624	06/30/2024		CNG Station June-2024 (10,988)	7,629.45
					7,629.45
ACH Payment	90280709202	07/09/2024	Chevron Texaco (Wex Bank)	Acct # 0496-00-525172-3	
Bill	98253202	06/30/2024		June-2024	150.68
				June-2024	111.67
				June-2024	371.74
				June-2024	649.28
					1,283.37
ACH Payment	1002681219	07/12/2024	CalPERS-Retirement	6882866561	
Bill	06/24/24 - 07/07/24	07/07/2024		Earned Period 06/24/24 - 07/07/24	1,824.49
				Earned Period 06/24/24 - 07/07/24	3,133.61
				Earned Period 06/24/24 - 07/07/24	3,597.48
				Earned Period 06/24/24 - 07/07/24	1,335.76
					9,891.34
ACH Payment	1002681220	07/12/2024	CalPERS-Retirement	6882866561	
Bill	06/24/24 - 07/07/24	07/07/2024		Earned Period 06/24/24 - 07/07/24	1,653.30
				Earned Period 06/24/24 - 07/07/24	2,839.60
				Earned Period 06/24/24 - 07/07/24	3,259.93
				Earned Period 06/24/24 - 07/07/24	1,210.42
					8,963.25
ACH Payment	1002681221	07/12/2024	CalPERS-Retirement	6882866561	
Bill	06/24/24 - 07/07/24	07/07/2024		Earned Period 06/24/24 - 07/07/24	129.67
				Earned Period 06/24/24 - 07/07/24	222.71
				Earned Period 06/24/24 - 07/07/24	255.68
				Earned Period 06/24/24 - 07/07/24	94.94
					703.00
ACH Payment		07/12/2024		Funds Transfer 457(b) Salary Reduction	
				Funds Transfer 457(b) Salary Reduction	4,321.55
					4,321.55
ACH Payment		07/12/2024		Funds Transfer 457(b) Roth	
				Funds Transfer 457(b) Roth	3,113.07
					3,113.07
ACH Payment		07/26/2024		Funds Transfer 457(b) Salary Reduction	
				Funds Transfer 457(b) Salary Reduction	4,359.99
					4,359.99
ACH Payment		07/26/2024		Funds Transfer 457(b) Roth	
				Funds Transfer 457(b) Roth	3,103.66
					3,103.66
ACH Payments Total					\$43,368.68
Payroll		07/24/2024		Employee Payroll	98,703.89
Payroll Total					\$98,703.89
Total Disbursements					\$393,809.86

Type	Num	Date	Name	Memo	Paid Amount
Transfers					
Transfer		07/01/2024		Funds Transfer LAIF to US Bank Chk	
				Funds Transfer LAIF to US Bank Chk	400,000.00
					400,000.00
Transfer		07/25/2024		Funds Transfer MM to CHK	
				Funds Transfer MM to CHK	150,000.00
					150,000.00
Transfer		07/26/2024		Funds Transfer LAIF to US Bank Chk	
				Funds Transfer LAIF to US Bank Chk	250,000.00
					250,000.00
Transfers Total					\$800,000.00

AGENDA ITEM 7B

Date: August 6, 2024
To: Board of Directors
From: Robert Housley, General Manager
Prepared by: Ashley Davies, Director of Services and Program Development
Subject: Approve the July 24, 2024 Outreach Committee Recommendations

BACKGROUND

At the April 5, 2022 meeting the Board approved the formation of a standing Outreach Committee. The Outreach Committee usually meets on the first Wednesday of each month to plan and discuss upcoming outreach activities.

DISCUSSION

The Outreach Committee met on July 24, 2024 and their recommendations are as follows:

1. The Committee recommends that the District participate in two radio outreach programs. Two directors will attend each radio program. Appointments will be set up in August.
2. The Committee recommends 5 Clean-up events, Open House on January 25, 2025, and the Compost Event in May 2025.

FISCAL IMPACT

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

- Monthly radio outreach \$4,000

STAFF RECOMMENDATION

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

ATTACHMENTS

None.

AGENDA ITEM 7C

Date: August 6, 2024

To: Board of Directors

From: Robert Housley, General Manager

Prepared by: Nicolas Castro, Director of Operations/Safety

Subject: Recognition and Approval of a 10-year Accident and Injury Free Award for Fleet Maintenance Mechanic, Carlos Gomez, in the Amount of \$300.00

BACKGROUND

As of July 21, 2024, Fleet Maintenance Mechanic, Carlos Gomez, became eligible for the 10-year Accident and Injury Free Award.

DISCUSSION

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

FISCAL IMPACT

\$300.00

STAFF RECOMMENDATION

Staff recommends that the Board of Directors approve a 10-year accident and injury free award for fleet maintenance, Carlos Gomez, in the amount of \$300.00.

ATTACHMENTS

None.

AGENDA ITEM 7D

Date: August 6, 2024

To: Board of Directors

From: Robert Housley, General Manager

Prepared by: Milo Ebrahimi, P.E., District Engineer

Subject: Acceptance of Improvements Completed Pursuant to the Midway City Sanitary District Addition and Remodel, Project No. 202041, and Authorization for the Recording of a Notice of Completion

BACKGROUND

On September 18, 2022, the District awarded a contract for construction of the Midway City Sanitary District Addition and Remodel Project to Woodcliff Corporation (“Contractor”) in the amount of \$5,499,483.00. Subsequent change orders were approved in the amount of \$667,377.34 for the solar carport and charging stations, and \$388,746.32 for other work. \$24,932.12 has been paid for reimbursables.

A summary of the scope and character of the Project was as follows:

- Interior Remodeling in the MCSD main office building.
- Demolition of an existing 900 square foot out-building.
- Demolition of an existing 3400 square foot out-building.
- Interior Demolition of an existing single-occupancy restroom and rework to storage room.
- Construction of a 3,800 square foot office addition to the existing main office.
- Construction of a new 940 square foot masonry Locker/Restroom building.
- Coordination and Installation of temporary office trailers (including utility connection) and relocation of office furnishings from the main building to the trailers.
- Underground conduit from main switchgear to future solar panel carport.
- Installation of fire sprinklers.
- Car ports, solar panels, and 6 charging stations.

DISCUSSION

The construction was finished by the Contractor on or about July 11, 2024. All the punch list items are resolved/fixed. In order to close out the Project and authorize release of the retention and final payment, Staff is requesting that the Board formally accept the Project improvements and authorize the filing and recording of a Notice of Completion.

FISCAL IMPACT

The total final construction cost for the Project paid to the Contractor is \$6,580,538.78. All costs have been paid from the approved Budget.

STAFF RECOMMENDATION

Staff recommends that the Board of Directors: (1) accept the improvements completed pursuant to the Midway City Sanitary District Addition and Remodel, Project No. 202041, completed by Woodcliff Corporation; and (2) authorize the filing and recording of a Notice of Completion and Acceptance of Public Works Project.

ATTACHMENTS

1. Notice of Completion and Acceptance of Public Works Project

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Midway City Sanitary District
Attention: General Manager
14451 Cedarwood Street
Westminster, CA 92683

Recording Fees Exempt per Govt. Code §§ 6103, 27383

Space Above for Recorder's Use

NOTICE OF COMPLETION AND ACCEPTANCE OF PUBLIC WORKS PROJECT

NOTICE IS HEREBY GIVEN by Midway City Sanitary District that a certain project for demolition and construction of a building addition and interior remodeling of the Midway City Sanitary District offices located at 14451 Cedarwood Street, County of Orange, California, described as the **Midway City Sanitary District Addition and Remodel**, the contract for the construction of which was let to Woodcliff Corporation, 111835 W. Olympic Blvd. Suite 825 E, Los Angeles, CA 90064, as contractor, was actually completed on July 11, 2024 and was accepted by the Board of Directors of the Midway City Sanitary District on **August 6, 2024**.

The name and address of the owner of the property referred to above is the Midway City Sanitary District, 14451 Cedarwood Street, Westminster, CA 92863, and the nature of the interest of the owner in the property is that of fee owner. The above project for public works improvements and structures, and the property on which the improvements and structures are situated, referred to, are in the City of Westminster and the County of Orange, State of California, and more particularly described above. The name of the contractor's surety on the Labor and Material Bond for the project is Nationwide Mutual Insurance Company, Bond No. 7901089113.

VERIFICATION

I, the undersigned, declare that I am the General Manager of Midway City Sanitary District and that I have read the foregoing notice and know its contents, and that the same is true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Westminster, CA, this 7 day of August, 2024.

Midway City Sanitary District

By _____
Robert Housley, General Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

On August 7, 2024, before me, Shannon Frost, Notary Public, personally appeared Robert Housley, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(seal)

Signature _____

AGENDA ITEM 7E

Date: August 6, 2024

To: Board of Directors

From: Robert Housley, General Manager

Prepared by: Milo Ebrahimi, P.E., District Engineer

Subject: Acceptance of Improvements Completed Pursuant to Projects for Emergency Sewer Main Repairs and Emergency CIPP Lining in Webber Place and Pembroke Lane and Authorization for the Recording of a Notice of Completion

BACKGROUND

On or about May 9, 2024, pursuant to Public Contract Code sections 20806 and 22050 and Sections 3 and 10.B.11 of the District's Purchasing Policy and Procedures, the General Manager executed an Agreement on behalf of the District for Emergency Sewer Repairs with Paulus Engineering, Inc. ("Paulus") for the emergency repair and replacement of 20 linear feet of the damaged sewer mains between Manhole 2006 and Manhole 2005 and in Pembroke Lane between Manhole 2006 and Manhole 2019, removal and replacement of the adjacent manhole, and related improvements to restore the street to its previous condition. Under this Agreement, Paulus agreed to perform the repair work for \$103,231.00, plus the cost of bonds and any additional unanticipated groundwater removal work. Paulus commenced excavation of the area on May 13th, but encountered significant groundwater that needs to be removed. On May 14, 2024, the General Manager approved a change order in the amount of \$7,475.00. The Board of Directors ratified the Agreement and change order on May 21, 2024, pursuant to Resolution No. 2024-10.

Following completion of Paulus's portion of the work, approximately 620 linear feet of the sewer line in Webber Place between Manhole 2006 and Manhole 2005 and in Pembroke Lane between Manhole 2006 and Manhole 2019 needed to be lined to prevent further deterioration and prevent possible collapse. On May 21, 2024, pursuant to Resolution No. 2024-10, the Board approved an Agreement for Emergency Sewer Lining Repairs with Performance Pipeline Technologies, Inc., in the amount of \$39,760.00, and the General Manager entered into the Agreement on behalf of the District on May 22, 2024.

DISCUSSION

Paulus completed the emergency repairs on May 20, 2024, and Performance Pipeline completed the CIPP lining on June 21, 2024. In order to close out the Project and authorize release of the retention and final payments, Staff is requesting that the Board formally accept the Project improvements and authorize the filing and recording of a Notices of Completion as to each contractor/project portion.

FISCAL IMPACT

The contract amount with Paulus is \$103,231.00 and an additional \$7,475.00 change order.

The contract amount with Performance Pipeline is \$39,760.00 and there are no additional change orders.

The total final construction cost for the Project is \$150,466.00. All costs have been paid from the approved Budget.

STAFF RECOMMENDATION

Staff recommends that the Board of Directors (1) accept the improvements completed by Paulus Engineering, Inc. pursuant to the Project known as Emergency Sewer Main Repair in Webber Place and Pembroke Lane and the improvements completed by Performance Pipeline Technologies, Inc. pursuant to the Project known as the Emergency CIPP Lining of Sewer Mains in Webber Place and Pembroke Lane; and (2) authorize the filing and recording of Notices of Completion and Acceptance of Public Works Project forms for each Project.

ATTACHMENTS

1. Notice of Completion and Acceptance of Public Works Project (Paulus Engineering, Inc.)
2. Notice of Completion and Acceptance of Public Works Project (Performance Pipeline Technologies, Inc.)

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Midway City Sanitary District
Attention: General Manager
14451 Cedarwood Street
Westminster, CA 92683

Recording Fees Exempt per Govt. Code §§ 6103, 27383

Space Above for Recorder's Use

NOTICE OF COMPLETION AND ACCEPTANCE OF PUBLIC WORKS PROJECT

NOTICE IS HEREBY GIVEN by Midway City Sanitary District that a certain project for repair and replacement of damaged sewer lines, removal and replacement of a manhole, and related street repairs in Webber Place between manhole 2006 and manhole 2005 and in Pembroke Lane between manhole 2006 and manhole 2019 in Westminster, County of Orange, California, described as the **Emergency Sewer Main Repair in Webber Place and Pembroke Lane**, the contract for the construction of which was let to Paulus Engineering, Inc., 2871 E Coronado St, Anaheim, CA 92806, as contractor, was actually completed on May 20, 2024 and was accepted by the Board of Directors of the Midway City Sanitary District on **August 6, 2024**.

The name and address of the owner of the property referred to above is the Midway City Sanitary District, 14451 Cedarwood Street, Westminster, CA 92863, and the nature of the interest of the owner in the property is that of fee owner. The above project for public works improvements, and the location on which the improvements and structures are situated, referred to, are in the City of Westminster and the County of Orange, State of California, and more particularly described above. The name of the contractor's surety on the Labor and Material Bond for the project is Great American Insurance Company, Bond No. 5669796.

VERIFICATION

I, the undersigned, declare that I am the General Manager of Midway City Sanitary District and that I have read the foregoing notice and know its contents, and that the same is true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Westminster, CA, this 7 day of August, 2024.

Midway City Sanitary District

By _____
Robert Housley, General Manager

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Midway City Sanitary District
Attention: General Manager
14451 Cedarwood Street
Westminster, CA 92683

Recording Fees Exempt per Govt. Code §§ 6103, 27383

Space Above for Recorder's Use

NOTICE OF COMPLETION AND ACCEPTANCE OF PUBLIC WORKS PROJECT

NOTICE IS HEREBY GIVEN by Midway City Sanitary District that a certain project for Lining in Webber Place between manhole 2006 and manhole 2005 and in Pembroke Lane between manhole 2006 and manhole 2019 in Westminster, County of Orange, California, described as the **Emergency CIPP Lining of Sewer Mains in Webber Place and Pembroke Lane**, the contract for the construction of which was let to Performance Pipeline Technologies, Inc., 5292 System Drive, Huntington Beach, CA 92649, as contractor, was actually completed on June 21, 2024 and was accepted by the Board of Directors of the Midway City Sanitary District on **August 6, 2024**.

The name and address of the owner of the property referred to above is the Midway City Sanitary District, 14451 Cedarwood Street, Westminster, CA 92863, and the nature of the interest of the owner in the property is that of fee owner. The above project for public works improvements, and the location on which the improvements and structures are situated, referred to, are in the City of Westminster and the County of Orange, State of California, and more particularly described above. The name of the contractor's surety on the Labor and Material Bond for the project is Granite Re, Inc. dba Granite Surety Insurance Company, Bond No. GRCA65181.

VERIFICATION

I, the undersigned, declare that I am the General Manager of Midway City Sanitary District and that I have read the foregoing notice and know its contents, and that the same is true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Westminster, CA, this 7 day of August, 2024.

Midway City Sanitary District

By _____
Robert Housley, General Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

On August 7, 2024, before me, Shannon Frost, Notary Public, personally appeared Robert Housley, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(seal)

Signature _____

AGENDA ITEM 9A

Date: August 6, 2024
To: Board of Directors
From: Robert Housley, General Manager
Prepared by: Cynthia Olsder, Executive/Board Secretary
Subject: RESOLUTION NO. 2024-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, ADOPTING A CONFLICT OF INTEREST CODE WHICH SUPERCEDES ALL PRIOR CONFLICT OF INTEREST CODES AND AMENDMENTS PREVIOUSLY ADOPTED

BACKGROUND

The Political Reform Act (Act) prohibits a public official from using his or her official position to influence a governmental decision in which he or she has a financial interest. Every state and local agency must adopt a Conflict of Interest code that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. The individuals in the designed positions must disclose their financial interests as specified in the agency's Conflict of Interest Code.

The Political Reform Act requires every local agency to review its Conflict of Interest Code biennially and to notify the code reviewing body if its current Code is accurate, or alternatively, that its Code must be amended. The Orange County Board of Supervisors is the code reviewing body for the District. Any amendments to the District's Conflict of Interest Code must be approved by both the Board of Directors and the Board of Supervisors. The District last amended its Conflict of Interest Code in 2012.

DISCUSSION

Staff has reviewed the District's current Conflict of Interest Code with legal counsel and recommends the following amendments to reflect new positions and to conform to current Political Reform Act and Fair Political Practices Commission (FPPC) regulations:

- Add the positions of District Engineer, Director of Operations & Safety, and Director of Services & Program Development, with a designated disclosure category of OC-02. These positions will file Statements of Economic Interest directly with the District.
- Change the filing location for the positions of General Manager, Finance Director, and General Counsel. These positions will now file electronically directly with County of Orange Clerk of the Board through the County's eDisclosure system.
- Add "Consultant" to the list of positions required to file Statements of Economic Interest. FPPC Regulations now require consultants that make or participate in making decisions on behalf of the District to file under the broadest disclosure category in the agency's Conflict of Interest Code the consultant works for. Consultants required to file a Statement of Economic Interest will file directly with the District.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that the Board adopt Resolution No. 2024-18 approving an amended District Conflict of Interest Code and direct staff to process the Code amendment with the County of Orange.

ATTACHMENTS

1. Resolution No.2024-18
2. Resolution No.2012-13
3. 2022 Biennial Review Exhibits

RESOLUTION NO. 2024-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY ADOPTING A CONFLICT OF INTEREST CODE WHICH SUPERSEDES ALL PRIOR CONFLICT OF INTEREST CODES AND AMENDMENTS PREVIOUSLY ADOPTED

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000 et. Seq. (“the Act”), requires a local government agency to adopt a Conflict of Interest Code pursuant to the Act; and

WHEREAS, the Midway City Sanitary District has previously adopted a Conflict of Interest Code and that Code now requires updating; and

WHEREAS, amendments to the Act have in the past and foreseeably will in the future require conforming amendments to be made to the Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains terms for a standard model Conflict of Interest Code, which, together with amendments thereto, may be adopted by public agencies and incorporated by reference to save public agencies time and money by minimizing the actions required of such agencies to keep their codes in conformity with the Political Reform Act; and

WHEREAS, the Midway City Sanitary District’s existing Conflict of Interest Code must be amended in order to reflect the current positions of those designated employees that are required to file statements of economic interest.

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

Section 1. The terms of 2 California Code of Regulations, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, together with Exhibits A and B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Midway City Sanitary District.

Section 2. The provisions of all Conflict of Interest Codes and Amendments thereto previously adopted by the Midway City Sanitary District are hereby superseded.

Section 3. The Filing Officer is hereby authorized to forward a copy of this Resolution to the Clerk of the Orange County Board of Supervisors for review and approval by the Orange County Board of Supervisors as required by California Government Code Section 87303.

PASSED AND ADOPTED, at a regular meeting of the Board of Directors of Midway City Sanitary District of Orange County, California, held this 6th day of August, 2024.

Mark Nguyen, 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. 2024-18 was duly adopted at a meeting of the Governing Board of said District held on the 6th day of August, 2024 by the following vote of the members of the Board:

AYES:
NOES:
ABSENT:

and I further certify that Mark Nguyen, as President, and Andrew Nguyen, as Secretary, signed and approved said Resolution No. 2024-18 on the 6th day of August, 2024.

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. 2024-18 passed and adopted by the Board of Directors of said District at a meeting thereof held on the 6th day of August, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 6th day of August, 2024.

Andrew Nguyen, Secretary

**CONFLICT OF INTEREST CODE FOR THE
MIDWAY CITY SANITARY DISTRICT
(Adopted August 6, 2024)**

The Political Reform Act, Government Code Sections 81000, et. seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Midway City Sanitary District.

The following designated positions shall file statements of economic interests electronically with the Clerk of the Orange County Board of Supervisors: Midway City Sanitary District Board of Directors, General Manager, General Counsel, and Finance Director. The Midway City Sanitary District's Political Reform Act Filing Officer, Executive/Board Secretary, will thereafter verify the completion of the filing statements. If the Filing Officer receives any statements of economic interest by other means, the Filing Officer shall make and retain a copy and forward the original of these statements to the Clerk of the Orange County Board of Supervisors. Statements for all other designated employees and consultants will be retained by the Filing Officer.

EXHIBIT A

MIDWAY CITY SANITARY DISTRICT

**LIST OF DESIGNATED POSITIONS
CONFLICT OF INTEREST CODE**

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES	FILES WITH
All Members of the Board of Directors	OC-01	COB
General Manager	OC-01	COB
General Counsel	OC-01	COB
Finance Director	OC-01	COB
Director of Operations	OC-02	District
Engineer	OC-02	District
Director of Services and Program Development	OC-02	District
Consultant	OC-30	District

EXHIBIT B

MIDWAY CITY SANITARY DISTRICT

**DISCLOSURE CATEGORIES
CONFLICT OF INTEREST CODE**


DISCLOSURE CATEGORY	DISCLOSURE DESCRIPTION
OC-01	All interests in real property in Orange County or the District, as applicable, as well as investments, business positions and sources of income (including gifts, loans, and travel payments).
OC-02	All investments, business positions and sources of income (including gifts, loans, and travel payments).
OC-30	Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation: The General Manager may determine that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such a written determination shall include a description of the duties and based on that description, the category(ies) of required disclosure. This written determination is a public record and shall be filed with the Form 700 and retained by the Filing Officer for public inspection.

disclosure categories are set forth, constitute the Conflict of Interest Code of the Midway City Sanitary District.

Section 2. The provisions of all Conflict of Interest Codes and Amendments thereto previously adopted by the Midway City Sanitary District are hereby superseded.

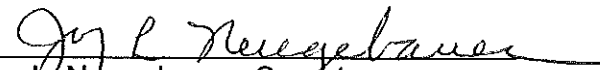
Section 3. The Filing Officer is hereby authorized to forward a copy of this Resolution to the Clerk of the Orange County Board of Supervisors for review and approval by the Orange County Board of Supervisors as required by California Government Code Section 87303.

PASSED AND ADOPTED at a meeting of the Board of Directors of Midway City Sanitary District, of Orange County, California, held this 21st day of August, 2012.



Margie L. Rice, President

ATTEST:



Joy L. Neugebauer, Secretary

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**CONFLICT OF INTEREST CODE FOR THE
MIDWAY CITY SANITARY DISTRICT**

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The Political Reform Act, Government Code Sections 81000, et.seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Midway City Sanitary District.

Designated employees shall file statements of economic interests with the Midway City Sanitary District's Political Reform Act Filing Officer, Senior Administrative Secretary/Board Clerk, who will make the statements available for public inspection and reproduction (Government Code Section 82008). Upon receipt of the statements of the Midway City Sanitary District Governing Board, the Filing Officer shall make and retain a copy and forward the original of these statements to the Clerk of the Orange County Board of Supervisors. Statements for all other designated employees will be retained by the Filing Officer.

EXHIBIT A

MIDWAY CITY SANITARY DISTRICT

LIST OF DESIGNATED POSITIONS
CONFLICT OF INTEREST CODE

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DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
All Members of the Board of Directors	OC-01
General Manager	OC-01
General Counsel	OC-01
Finance Director	OC-02

EXHIBIT B

MIDWAY CITY SANITARY DISTRICT

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DISCLOSURE CATEGORY	DISCLOSURE DESCRIPTION
OC-01	All interests in real property in Orange County or the District, as well as investments, business positions and sources of income (including gifts, loans, and travel payments).
OC-02	All investments, business positions and sources of income (including gifts, loans, and travel payments).



Conflict of Interest Code EXHIBIT A

Entity: Sanitation Districts

Agency: Midway City Sanitary District

Position	Disclosure Category	Files With
Finance Director	OC-01	Agency
General Counsel	OC-01	Agency
General Manager	OC-01	Agency
Member of the Board of Directors	OC-01	COB

Total: 4



Disclosure Descriptions

EXHIBIT B

Entity: Sanitation Districts

Agency: Midway City Sanitary District

Disclosure Category	Disclosure Description
OC-01	All interests in real property in Orange County, the authority or the District as applicable, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

Grand Total: 1

AGENDA ITEM 9B

Date: August 6, 2024
To: Board of Directors
From: Robert Housley, General Manager
Prepared by: Cynthia Olsder, Executive/Board Secretary
Subject: RESOLUTION NO. 2024-19

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY
SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA,
ESTABLISHING A POLICY FOR RESPONDING TO PUBLIC RECORDS ACT
REQUESTS

BACKGROUND

The California Public Records Act was enacted in 1968. The primary purpose of the Public Records Act was to provide Californians with the right to access public records held by state and local government agencies. Over the years, the PRA has been amended and expanded to strengthen transparency and improve public access to information. It reflects the state's commitment to open government and the belief that transparency encourages innovation and advances government.

DISCUSSION

The District should establish a policy for the Public Records Act (PRA) for several important reasons:

- **Legal Compliance:** The California PRA mandates that all public agencies, including special districts, provide access to public records to ensure transparency and accountability. Establishing a PRA policy ensures that the district complies with these legal requirements.
- **Transparency and Accountability:** Having a clear PRA policy demonstrates the District's commitment to transparency in its operations. It fosters public trust by providing the community with access to information about the District's activities, decisions, and expenditures.
- **Consistency and Efficiency:** A well-defined PRA policy helps streamline the process of responding to public records requests. It establishes clear guidelines and procedures for both staff and requesters, ensuring that requests are handled promptly and efficiently.
- **Protection Against Litigation:** A comprehensive PRA policy can help minimize the risk of litigation related to public records requests. By outlining procedures, exemptions, and timelines, the District can reduce the likelihood of disputes or legal challenges.
- **Promotion of Good Governance:** Implementing a PRA policy promotes good governance practices within the District. It encourages openness, accountability, and ethical conduct among staff and officials, aligning with principles of democratic governance.

- **Public Relations and Community Engagement:** Providing access to public records enhances the district's relationship with the community. It allows residents, media, researchers, and other stakeholders to access information they need to make informed decisions and participate in civic affairs.
- **Educational and Training Opportunities:** Developing a PRA policy provides opportunities for staff and officials to receive training on legal requirements, best practices, and emerging issues related to public records. This ensures that the District remains up-to-date and compliant with evolving laws and regulations.

FISCAL IMPACT

No Fiscal Impact.

STAFF RECOMMENDATION

Staff recommends the Board of Directors approve Resolution No. 2024-19 establishing a Policy for Responding to Public Records Act Requests.

ATTACHMENTS

1. Resolution 2024-19
2. Proposed Midway City Sanitary District Policy for Responding to Public Records Act Requests

RESOLUTION NO. 2024-19

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA ESTABLISHING A POLICY FOR RESPONDING TO PUBLIC RECORDS ACT REQUESTS

The Board of Directors of the Midway City Sanitary District hereby finds, determines, declares, and resolves as follows:

WHEREAS, the California Public Records Act (PRA) mandates that all public agencies provide access to public records to ensure transparency and accountability;

WHEREAS, having a clear policy for responding to Public Records Act requests demonstrates the District's commitment to transparency and fosters public trust in providing the community with access to information about the District's activities, decisions, and expenditures;

WHEREAS, implementing a PRA policy promoting access to public records aligns with principles of democratic governance;

WHEREAS, providing prompt access to public records enhances the District's relationship with the community by allowing residents, media, researchers, and other stakeholders to access information needed to make informed decisions and participate in civic affairs;

WHEREAS, the Board wishes to adopt a formal policy for responding to Public Records Act requests in order to encourage openness, transparency, accountability, and ethical conduct with its management of public records and to ensure all records requests are handled promptly and efficiently; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: The Midway City Sanitary District Policy for Responding to Public Records Act Requests attached to this Resolution is hereby adopted.

Section 2: A copy of the Policy shall be posted on the District's Internet website and made available to the public upon request.

Section 3: This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED, at a regular meeting of the Board of Directors of Midway City Sanitary District of Orange County, California, held this 6th day of August, 2024.

Mark Nguyen, 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. 2024-19 was duly adopted at a meeting of the Governing Board of said District held on the 6th day of August, 2024 by the following vote of the members of the Board:

AYES:

NOES:

ABSENT:

and I further certify that Mark Nguyen, as President, and Andrew Nguyen, as Secretary, signed and approved said Resolution No. 2024-19 on the 6th day of August, 2024.

Andrew Nguyen, Secretary

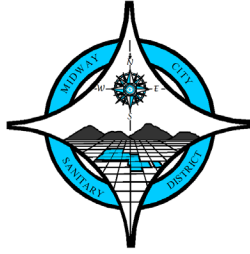
(District Seal)

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

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. 2024-19 passed and adopted by the Board of Directors of said District at a meeting thereof held on the 6th day of August, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 6th day of August, 2024.

Andrew Nguyen, Secretary



Midway City Sanitary District

Policy for Responding to Public Records Act Requests

(Adopted August 6, 2024)

I. PURPOSE AND SCOPE

This Policy establishes procedures for responding to requests from the public to inspect or obtain copies of District records (“Records Requests”) in accordance with the Public Records Act (Gov. Code § 7920.000 et seq.) and the California Constitution (Art. I, § 3(b)). Nothing herein is intended to waive exemptions for particular records set forth in the Public Records Act or other law.

This Policy covers all District records that relate to the conduct of the public’s business and are prepared, owned, used, or retained by the District in the ordinary course of business.

“Records” generally include writings whether handwritten, typed, printed, emailed, faxed, or stored in any electronic or other medium, as well as pictures and video and sound recordings. For a full definition of “writing” as used in the Public Records Act, see Gov. Code § 7920.545.

Every person has the right to inspect any District record, except those records exempted from public disclosure. A Records Request may be made by any member of the public, whether or not a constituent of the District, or by any business, organization, or other entity.

The District is required to respond to a Public Records Act request within ten days.

II. RESPONSIBILITY

The Policy for Responding to Public Records Act Requests shall be administered by the Executive/Board Secretary, in consultation with the General Manager and the District’s legal counsel. When applicable, each department head or designee shall work with the Executive/Board Secretary to locate and compile documents which may be responsive to Public Records Act requests.

III. SUBMISSION AND RECEIPT OF PUBLIC RECORDS ACT REQUESTS

A. Where and To Whom Public Records Act Requests Should Be Made

Members of the public are encouraged to make Records Requests directly to the Executive/Board Secretary at the District’s offices.

B. When Public Records Act Requests Should be Made

Members of the public are encouraged to submit Records Requests to the District during normal business hours when District offices are open. Receiving requests during normal business hours

helps District staff avoid any delays in responding to requests for inspection and/or copying of public records. Records Requests submitted outside of normal business hours may not be considered or received by the District until the following business day.

C. How Public Records Requests Should be Made

Members of the public are encouraged to make Records Requests directly to the Executive/Board Secretary, in a writing that reasonably outlines categories of records sought. A written Records Request is preferred to a verbal Records Request because it provides a record of when the request was made and what was requested, and helps the District respond in a more timely and thorough manner. The District will accept written Public Records Act requests by mail, email, facsimile, or personal delivery during normal business hours. To help facilitate the efficient processing of Public Records Act requests, the District shall provide the public with an email address specifically intended for the submission of Records Requests.

The Executive/Board Secretary shall develop a standard Records Request Form for this purpose, which members of the public are encouraged to use when making Records Requests. The use of a standard Records Request Form will help the District better identify the records sought, follow up with the requestor, and provide more effective assistance to the requestor in compliance with the Public Records Act. The Records Request Form shall be made readily available to members of the public at the District's offices and on the District's Internet website.

Although the District encourages members of the public to make Public Records Act requests in writing, members of the public may make a verbal request for records, in person or by phone, during normal business hours. Verbal requests for public records should be directed to the Executive/Board Secretary, when possible, during normal business hours when the District offices are open. A verbal Records Request shall be transcribed by the District employee who receives the request and forward to the Executive/Board Secretary.

Although written requests made directly to the Executive/Board Secretary are preferred, the District cannot compel a party to submit a written request (verbal requests are permitted), nor to submit the request directly to the Executive/Board Secretary (requests may be made to any District employee, and submitted by letter, email, fax, phone call, or other means). Moreover, the District is responsible for assisting the requestor to make a focused and effective request. Thus, District employees should ask parties making a Records Request to submit the Records Request in writing to the Executive/Board Secretary, but should be prepared to accept and assist with Records Requests submitted by other means. In such cases, the employee receiving the request should seek to ensure the following information is included with the request:

- (a) the requestor's contact information (unless the requestor declines to provide it);
- (b) a reasonable description of the records requested; and
- (c) whether the requestor wants copies of the records or to inspect the records at the District.

When a Records Request is received by a District employee, he or she should immediately forward the Request to the Executive/Board Secretary, who will provide the request to the General Manager. The General Manager will determine if any other department heads should receive a copy. The General Manager and the District's legal counsel should determine if the Records Request covers

records that are confidential or otherwise exempt from disclosure under the Public Records Act, or if it appears that the Records Request might be related to potential or pending litigation.

IV. PROCESSING OF PUBLIC RECORDS ACT REQUESTS

A. Initial Processing of the Records Request

Upon receipt of a Records Request, the Executive/Board Secretary shall immediately do the following:

- (a) date stamp the Records Request;
- (b) scan the Records Request to the appropriate folder; and
- (c) enter the Records Request into the Public Records Act Log.

B. Gathering Records for Potential Disclosure

The Executive/Board Secretary shall ensure that a Records Request is distributed to each District department which might have responsive records and request that the department(s) provide the Executive/Board Secretary the following information within three business days:

- (a) whether there may be responsive records;
- (b) a time estimate to provide the potentially responsive records to the Executive/Board Secretary's office for review, and
- (c) whether the department anticipates that more than ten calendar days from the date of the request will be needed to locate all potentially responsive public records.

The Executive/Board Secretary should check in with the relevant departments periodically to ensure the Records Request is processed in a timely manner.

C. Response Deadlines

The District has a maximum of ten (10) calendar days from receipt of the Records Request to notify the requestor whether there are District records in response to the Request. If the tenth day falls on a weekend or holiday, the deadline rolls to the next business day. In "unusual circumstances," the Executive/Board Secretary can, by written notice to the requestor, extend the District's time to respond to the request for up to fourteen (14) additional days pursuant to Gov. Code §7922.535(b). The "unusual circumstances" recognized by the Public Records Act are:

- (a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the Records Request.
- (b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records demanded in a single Records Request.
- (c) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the Records Request or among two or more components of the District having substantial subject matter interest therein.

(d) The need to compile data, write programming language or a computer program, or construct a computer report to extract data.

D. Determining Whether Records Are Exempt from Disclosure

Several types of records are generally deemed confidential or otherwise exempt from disclosure under the Public Records Act. If the Executive/Board Secretary believes that a Records Request potentially involves exempt records, he/she should discuss the Records Request with the General Manager, who should confer with District's legal counsel for an opinion on the matter.

Many, but not all, of the exemptions are contained within the text of the Public Records Act (e.g., Gov. Code §§ 7923.600 et seq.). Examples of records that are usually exempt from disclosure are:

- (a) Attorney-client communications, which generally includes all communications between the District's legal counsel and a District employee or official;
- (b) Records related to pending litigation, including claims or lawsuits that are not yet adjudicated or settled;
- (c) Preliminary drafts of certain documents that are not retained by the District in the ordinary course of business, where the public interest in withholding outweighs the public interest in disclosure;
- (d) Social security numbers, voter registration records, home addresses, and other information the disclosure of which would constitute an unwarranted invasion of personal privacy;
- (e) Personal confidential information, like drivers' licenses, social security numbers and, in some instances, personal contact information;
- (f) Taxpayer information in connection with collection of local taxes;
- (g) Feasibility studies for public contracts or property acquisition (unless required to disclose under eminent domain law) - until the contract is entered or the property acquired;
- (h) Computer Software which includes computer systems, mapping programs and graphic programs;
- (i) Architectural and official building plans – plans may be inspected but may not be copied, absent approval from the owner and design professional;
- (j) Statements of personal worth or personal financial data required by the District and filed by an applicant to establish personal qualifications for a license, certificate, or permit; and
- (i) Where the public interest in nondisclosure clearly outweighs the public interest in disclosure (the catch-all exemption).

The foregoing are examples, not a complete list, of potential exemptions. Final exemption determinations shall be made by the General Manager, in consultation with the District's legal counsel.

E. Responding to the Records Request

The Executive/Board Secretary shall notify the requestor of the following:

- (a) whether the District has records responsive to the Records Request; and
- (b) whether all responsive records will be disclosed, or whether any records will be withheld or redacted because of an exemption.

If the District determines that some or all of the requested documents are exempt from disclosure, the response must identify the ground(s) for the exemption(s), and the name of the person responsible for such exemption determination. Such exemption determinations shall be provided in writing.

The District must promptly provide the requestor with the opportunity to obtain copies of public records or to inspect them before determining which records to have copied. (Gov. Code § 7922.530(a)). In most circumstances, the records will be produced or made available for inspection when the Executive/Board Secretary notifies the requestor that there are records responsive to the request (whether that response is made per the 10-day deadline or, in “unusual circumstances,” per the 14-day extension). However, when the Records Request involves a significant volume of documents, the District may take additional time to provide the records. But in all cases, the District must provide the records as soon as reasonably possible.

F. Copies of Records

If copies are requested, the District will charge a per page fee. For most records, the fee will not exceed ten cents (\$0.10) per page.; for some records, state law establishes the fee (e.g., for copies of official’s financial disclosures—Form 700.) (See Gov. Code § 7922.530(a) and Gov. Code § 81008.) The District’s direct cost of duplicating unusual records— e.g., blueprints, computer disks, DVDs, electronic back-up tapes—are calculated on a case-by-case basis. In the Executive/Board Secretary’s discretion, if the Records Request does not involve a significant volume of documents and the requestor agrees, the Executive/Board Secretary may scan the records and send PDFs to the requestor electronically. If the request involves a substantial amount of copying, the Executive/Board Secretary should obtain payment before providing the copies.

G. Inspection of Records

Where only inspection is requested, the records will ordinarily be made available for inspection during all normal District business hours. If the request seeks review of voluminous records, a mutually-agreeable time will be scheduled for the inspection. The operational functions of the District will not be suspended to permit inspection of records during periods in which such records are reasonably required by District personnel in the performance of their duties. District personnel must be present during the inspection of records in order to protect the integrity of the records. Persons inspecting records shall not destroy, mutilate, deface, alter, or remove public records from the inspection location. If copies are some or all of the records are requested following the inspection, the District will charge fees for copies as discussed above.

H. Electronic Records

When requested, existing electronic records must be provided in electronic form. Such records must be provided in any electronic format requested as long as the format is one that is currently used by the District. The District is not required to reconstruct records that it no longer maintains in an electronic format. (Gov. Code § 7922.580(a)) The District is not required to produce documents in formats (e.g., word processing formats such as Microsoft Word) if it “would jeopardize or compromise the security or integrity of the original record or of any proprietary software” (Gov. Code § 7922.580(c)). In such situations, the District should convert the record to a “format which is less easily manipulated, such as PDF format.” The District may offer to produce records in an electronic format, but may not insist that they only be provided in electronic format. (Gov't Code § 7922.570(c), 7922.580(b)) The District may charge for the added cost of producing electronic records if (1) the request calls for producing the record at a time different than the time the record would ordinarily be produced (e.g., a copy of the check register for a period other than the one typically prepared for the District Council); or (2) the request requires data compilation, extraction, or programming. (Gov. Code § 7922.575(b)).

I. Political Reform Act Records

Every report and statement filed pursuant to the Political Reform Act is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practical, but in any event not later than the second business day following the day on which it was received. (Gov. Code § 81008). No conditions will be imposed upon persons desiring to inspect or reproduce such reports and statements, nor will any information or identification be required from these persons. Copies shall be provided at a charge not-to-exceed ten cents (\$0.10) per page.

J. Public Records Act Request Log

The Executive/Board Secretary shall maintain a log of Records Requests in the Executive/Board Secretary's Office. Each log should summarize the following information, if available:

- (a) name of requestor;
- (b) summary of information requested;
- (c) whether public records were provided by a District department or the Executive/Board Secretary;
- (d) the date of the response(s) (including without limitation any and all initial responses, extensions, and production dates);
- (e) whether any documents were withheld and/or redacted and the authority therefore;
- (f) a description of the documents provided in response; and
- (g) the amount of fees collected.



CalPERS Reports Preliminary 9.3% Investment Return for 2023-24 Fiscal Year

July 15, 2024

Communications & Stakeholder Relations

Contact: Office of Public Affairs

(916) 795-3991 - newsroom@calpers.ca.gov

SACRAMENTO, Calif. – CalPERS today reported a preliminary net return of 9.3% on its investments for the 12-month period ending June 30, 2024. Assets as of that date were valued at \$502.9 billion.

The investment return outpaced the discount rate of 6.8%, comparable to an assumed rate of return and a policy marker established by the CalPERS Board of Administration. It was also a notable improvement from the two most recent fiscal years, where investment returns were influenced by a variety of economic and geopolitical challenges.

When using the preliminary net return of 9.3% to assess long-term obligations, the overall estimated funded status of the Public Employees' Retirement Fund (PERF) stands at 75%.

"Our investing strategy was well positioned to take advantage of improving economic conditions over the past 12 months," said CalPERS Chief Executive Officer Marcie Frost.

"Meeting or exceeding our long-term investing goals is crucial for providing the retirement benefits that our 2 million members and their families are counting on."

Public equity investments, comprising 41.9% of the PERF, led the way among asset classes with an estimated 17.5% return.

The private debt asset class, established in 2022, also performed strongly. Its estimated return was 17%.

Fixed income and private equity reported returns of 3.7% and 10.9%, respectively. Real assets reported a negative return for FY 2023-24.

"Our team remains focused on executing on our long-term investment strategy, building a diversified portfolio to navigate markets and mitigate volatility over our multi-generational investment horizon," said Interim Chief Investment Officer Dan Bienvenue.

1 Year Return of June 30, 2024

Asset Class	Net Rate of Return (in percent)
PERF	9.3
Public Equity	17.5
Income	3.7
Private Equity*	10.9
Real Assets*	-7.1
Private Debt*	17.0

**Private market asset valuations lag one quarter and are as of March 31, 2024.*

Updated long-term return rates reflect the addition of recent lower investment returns in the calculation. Preliminary total fund annualized returns for the five-year period ending June 30, 2024, stood at 6.6%; the 10-year period at 6.2%; and the 20-year period at 6.7%.

The 30-year return rate rose slightly to 7.7%.

Preliminary net returns are an early snapshot of the CalPERS portfolio. CalPERS investment and finance staff and outside experts will review the portfolio's performance in the next few months to determine the final fiscal year returns for 2023-24.

The ending value of the PERF for FY 2023-24 will be based on additional factors beyond investment returns, including employer and employee contributions, monthly payments to retirees, and various investment fees.

Once finalized, fiscal year performance returns are used to set contribution levels for the State of California and school districts in the 2025-26 fiscal year and for contracting counties, cities, and special districts in the 2026-27 fiscal year.

Under the current provisions of the CalPERS Asset Liability Management process, investment returns that exceed the established 6.8% discount rate require the Board of Administration to review whether to lower the rate for future years. This process is included in the CalPERS Funding Risk Mitigation Policy.

Media Advisory

A news media availability via Zoom to discuss fiscal year investment returns with CalPERS senior leaders will be held Monday, July 15 at 12:45 p.m. PDT. Credentialed media can send an email to newsroom@calpers.ca.gov for login information.

About CalPERS

For more than nine decades, CalPERS has built retirement and health security for state, school, and public agency members who invest their lifework in public service. Our pension fund serves more than 2 million members in the CalPERS retirement system and administers benefits for more than 1.5 million members and their families in our health program, making us the largest defined-benefit public pension in the U.S. For more information, visit www.calpers.ca.gov.

Updated: July 15, 2024