

**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**

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

June 1, 2021

CALL TO ORDER

President A. Nguyen called the regular teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, June 1, 2021 at 5:32 P.M.

BOARD MEMBERS PRESENT:

Margie L. Rice (via teleconference)
Tyler Diep (via teleconference)
Sergio Contreras(arrived@5:40PMvia teleconference)
Chi Charlie Nguyen (via teleconference)
Andrew Nguyen (via teleconference)

OTHERS AT MEETING:

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

PLEDGE AND INVOCATION

President A. Nguyen led the Pledge of Allegiance. Director M. Rice gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MAY 18, 2021 (Roll Call Vote)

A motion was made by Director T. Diep, seconded by President A. Nguyen, to approve the minutes of the special meeting of May 18, 2021. The motion was approved by the following 4-0 roll call vote:

AYES: T. Diep, A. Nguyen, C. Nguyen and M. Rice

NAYS:

ABSTAIN:

ABSENT: S. Contreras

APPROVAL OF EXPENDITURES

A. Demands in the amount of 314,644.55 (Roll Call Vote)

#	CK #	Date	AMOUNT	VENDOR	
1				CHECKS:	MEMO
2	12759	5/18	\$ 75.00	Advanced Gas Products	Restock rental acetylene/oxygen for shop use
3	12760	5/18	\$ 97.78	AT&T Mobility	Cell Phone Service
4	12761	5/18	\$ 1,939.50	Atlas Tarps & Parts, Inc	Restock hydraulic pump for trucks
5	12762	5/18	\$ 785.00	Ayala's Car Wash	Fleet vehicle wash 5/10 & 5/17
6	12763	5/18	\$ 5,253.47	Bodyworks Equipment, Inc	Restock parts for trucks
7	12764	5/18	\$ 254.50	Cintas	Employee uniform services for 5/13
8	12765	5/18	\$ 84.94	City of Westminster	Hydrant Water Service 04/16/2021-05/14/2021
9	12766	5/18	\$ 489.38	CRC Cloud	Laptop for admin
10	12767	5/18	\$ 909.68	Daniel's Tire Service	(4) Restock recap tires of Solid Waste trucks
11	12768	5/18	\$ 7,299.33	SoCalGas	CNG Station from 04/01/2021 through 05/01/2021
12	12769	5/18	\$ 65.00	SoCalGas	District Offices & Maint. Shop & Wash Rack May-2021
13	12770	5/18	\$ 337.52	Haaker Equipment Company	Diagnostic labor shop supplies for M-64
14	12771	5/18	\$ 77.00	Hilco Fastener Warehouse Inc	Restock washer, lock-nuts and bolts
15	12772	5/18	\$ 420.00	Merchants Building Maintenance, LLC	Enhanced cleaning services on 05/11/21
16	12773	5/18	\$ 310.00	NVB Equipment, Inc	Camera system inspection for NG-15
17	12774	5/18	\$ 150.00	Purchase Power	Postage for May 2021
18	12775	5/18	\$ 191.18	SoCal Auto & Truck Parts, Inc	Restock tailgate seal hose for trucks
19	12776	5/18	\$ 275.26	South Coast AQMD	AQMD Fee July 2020 through June 2021 for generators
20	12777	5/18	\$ 1,349.00	Time Warner Cable	Internet service from 05/09/21-06/08/21
21	12778	5/18	\$ 419.40	TEC of California, Inc	Restock filters & replacement studs & nuts for NG-6
22	12779	5/18	\$ 946.78	Tell Steel	Restock flooring material for Solid Waste trucks
23	12780	5/18	\$ 3,829.07	Truck Gears Incorporated	Replacement differential for NG-6
24	12781	5/18	\$ 44.75	TrucPar Company	Earplugs for shop use
25	12782	5/18	\$ 4,029.00	Anchors Builders, Inc	OCSD Fee & Permits refund for collection fees Permit #6777
26	12783	5/18	\$ 1,939.00	Edwin & Nancy Garcia	OCSD Fee & Permits refund for collection fees Permit #6780
27	12784	5/18	\$ 4,029.00	Giau Huynh	OCSD Fee & Permits refund for collection fees Permit #6776
28	12785	5/18	\$ 4,029.00	Hung Huynh	OCSD Fee & Permits refund for collection fees Permit #6767
29	12786	5/18	\$ 4,029.00	Danny Luu	OCSD Fee & Permits refund for collection fees Permit #6764
30	12787	5/18	\$ 4,029.00	Theodus Nguyen	OCSD Fee & Permits refund for collection fees Permit #6744
31	12788	5/18	\$ 4,029.00	De That Ton	OCSD Fee & Permits refund for collection fees Permit #6767
32	12789	5/18	\$ 4,029.00	Theresa Tran	OCSD Fee & Permits refund for collection fees Permit #6781
33	12790	5/18	\$ 945.00	Mark Varness	OCSD Fee & Permits refund for collection fees Permit #6775
34	12791	5/24	\$ 341.70	AT&T	Brookhurst Lift Station Phone & Internet
35	12792	5/24	\$ 678.28	Cameron Welding Supplies	Shop material for cutting and welding
36	12793	5/24	\$ 261.10	Cintas	Employee uniform services for 5/20
37	12794	5/24	\$ 540.00	Clean Energy	Shop material for cutting and welding
38	12795	5/24	\$ 91,488.03	CR Transfer	Tonnage from 05/01/21 through 05/15/21
39	12796	5/24	\$ 33.90	Legal Shield	Prepaid legal & theft svcs. May 2021

40	12797	5/24	\$ 419.37	SoCal First Aid & Safety	Restock first aid kits
41	12798	5/24	\$ 457.40	TrucPar Company	Restock fittings for solid waste trucks
42	12799	5/24	\$ 4,029.00	Abraham and Erika Jimenez	OCSD Fee & Permits refund for collection fees Permit #6779
43	12800	5/24	\$ 4,029.00	Cong Nguyen	OCSD Fee & Permits refund for collection fees Permit #6752
44	12801	5/25	\$ 73.27	Daniel's Tire Service	Restock (2) tire repairs Solid Waste
45	12802	5/25	\$ 1,199.01	Frontier Communications	District Office Phones & Lift Stations
46	12803	5/25	\$ 207.42	Hillco Fastener Warehouse Inc	Restock bolts & nuts for Solid Waste trucks
47	12804	5/25	\$ 228.38	Snap-on Tools	Repairs to 210 charger for Shop
48	12805	5/25	\$ 4,394.57	Southern California Edison	District Offices, CNG Station and Lift Stations
49	12806	5/25	\$ 74.31	Time Warner Cable	Television service
50	12807	5/25	\$ 1,226.48	Standard Insurance Company	Life Insurance & AD&D Premium Coverage
51	12808	5/25	\$ 1,889.72	TEC of California, Inc	Restock brake pads and valves for Solid Waste trucks
52	12809	5/25	\$ 524.27	TrucPar Company	Misc. restock parts for shop equip. & hydraulic hose
53	12810	5/25	\$ 480.00	Westminster Herald	Notice in paper 05/13/21 & 05/20/21 of Public Hearing
54			\$ 169,265.75	CHECKS SUBTOTAL	
55					
56				PAYROLL	
57	ACH	5/18	\$ 65,627.43	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
58	ACH	5/18	\$ 4,476.79	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
59	ACH	5/18	\$ 835.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
60			\$ 70,939.22	ACH TRANSFERS SUBTOTAL	
61					
62				ACH PAYMENTS	
63	ACH	5/18	\$ 14,982.07	CalPERS	Retirement Contributions for 05/03/2021-05/16/2021
64	ACH	5/18	\$ 4,936.33	CalPERS	Board of Directors Health Insurance Premiums for June 2021
65	ACH	5/18	\$ 54,521.18	CalPERS	Active Employee and Retiree Health Ins Premiums June 2021
66			\$ 74,439.58	ACH TRANSFERS SUBTOTAL	
67					
68			\$ 314,644.55	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
69					
70				BANK TRANSFERS	
71	UB	5/14	\$ 750,000.00	Transfer Funds from UB Checking Account to CalTrust	Transfer funds to CalTrust Contingency Rescue
72	UB	5/14	\$ 390,000.00	Transfer Funds from UB Money Market to UB Checking Account	

A motion was made by Director M. Rice, seconded by President A. Nguyen, to approve the expenditures in the amount of \$ 314,644.55. The motion was approved by the following 3-1 roll call vote:

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

NAYS:

ABSTAIN: T. Diep

ABSENT: S. Contreras

REPORTS

Report of President

None

Director S. Contreras arrived at the meeting at 5:40 P.M.

Report of General Manager

GM K. Robbins reported that the District's architects, Rengel, had received the first comments/corrections back from the City. The City is requiring fixed seating in the training/lunch room and the District does not want fixed seating. The District is already fire rated due to fire sprinklers being installed during the remodel. This means that the remodel may be delayed until an agreement can be reached, possibly until August of 2021.

GM K. Robbins reported that the CSDA Annual Conference is back on and that it is scheduled for August in Monterey, CA. He requested that the Board members let staff know as soon as possible if they were planning to attend as the hotel reservations cannot be made until after registration for the event.

GM K. Robbins reported that the Board meeting on June 15 might be a regular in-person meeting if the Governor rescinds the COVID-19 order.

Report from the Orange County Sanitation District Meeting on May 26, 2021

President A. Nguyen reported that there is new leadership at OC San starting July 1, 2021. John Withers was appointed Chairman and Chad Wanke was appointed as Vice Chair. President A. Nguyen reported that OC San approved a \$230 million construction contract and streamlined a rebate program due to COVID-19 impact.

Report from the Video for Facebook Meeting on May 25, 2021

Directors S. Contreras and T. Diep each recorded and translated videos for the District's Facebook page which included information about the upcoming clean-up event and information regarding the three different colored bins, what goes into each one and how residents can help to keep District costs low.

Director T. Diep stated that he hoped that Directors M. Rice and C. Nguyen would have opportunities to record similar videos in June.

Report from the Luncheon on May 26, 2021

The Board of Directors all attended the luncheon and enjoyed spending time with Staff.

Report from CR&R

Gregory Karapoulis from CR&R gave a report on the first quarter diversion, including April, and stated that the numbers are going up due to everything opening up and the end of the pandemic. The total overall average diversion for the District was 53% and residential was 58%.

He spoke with regards to the complaints of missed pickups and stated that due to the pandemic a large number of drivers were out sick and now, after getting the vaccine, a lot of the drivers are calling out sick for a day or so due to the aftereffects, so they have been understaffed. He stated that CR&R is actively hiring and training and everything should be back to normal and running smoothly in the next month or so. He has been giving out his direct phone number and email so that he can contact operations to get a truck out to certain locations.

Director C. Nguyen stated that CR&R should send out some kind of literature letting their customers know that they are having issues and what is going on so that the Board members are not getting calls.

Gregory Karapoulis stated that the new drivers are not familiar with the routes and that there is a learning curve, especially for certain neighborhoods. He has been trying to stay on top of certain accounts that have extenuating circumstances in order to stay ahead of any issues.

President A. Nguyen stated that a lot of people in Westminster and Midway City do not speak English and that there is a language problem communicating with them.

There was Board discussion regarding the District's evergreen contract with CR&R, which renews on July 1 every year for ten years.

There was discussion as to whether to have a Special meeting for more than two Board members or a Franchise Committee meeting to discuss the issues. Board consensus was to direct staff to set up a Franchise Committee (Directors M. Rice and C. Nguyen) meeting with CR&R to discuss the issues.

CONSENT CALENDAR

A. Approve and File the Treasurer's Investment Report for April 2021

B. Approve the April 2021 Financial Reports and Budget Review for the Period of July 1, 2020 through April 30, 2021

A motion was made by Director M. Rice, seconded by Director T. Diep, 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 and M. Rice

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS

None

NEW BUSINESS

A. Appointment of Labor Negotiator(s) for Purposes of Conducting Labor Negotiations with General Manager *(Roll Call Vote)*

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by President A. Nguyen, seconded by Director S. Contreras, to appoint General Counsel J. Eggart as well as President A. Nguyen and President Pro-Tem C. Nguyen as labor negotiators for the purposes of conducting labor negotiations with the General Manager. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Discussion and Consideration of Donating 200 Custom Labeled Bottles of Water to the Westminster Rose Center's 15th Year Gala *(Roll Call Vote)*

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director T. Diep, seconded by Director M. Rice, to move as recommended by staff and donate 200 custom labeled bottles of water to the Westminster Rose Center for the 15 Year Gala. The motion was approved by the following 4-1 roll call vote:

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

NAYS:

ABSTAIN: M. Rice

ABSENT:

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

Director M. Rice thanked everyone and stated that she thought it was a good idea to meet with CR&R to discuss the recent complaints.

Director S. Contreras stated that he agreed with Director M. Rice and was looking forward to negotiations with the General Manager.

Director T. Diep complimented Finance/HR Director R. Housley on another sound and easy to understand budget.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that he would schedule and post a Franchise Committee meeting for the following week. He also explained that he would add the District's information on the bottled water labels for the Rose Center Gala so that it would not be a gift of public funds.

Finance/HR Director R. Housley thanked the Board for their support and for approving the balanced budget.

GENERAL COUNSEL CONCERNS/COMMENTS

None

General Counsel, J. Eggart stated that the closed session would start with the General Manager attending for Item 14A, which is his performance evaluation and then the General Manager would be asked to leave the room so the Board could discuss Item 14B.

General Counsel J. Eggart convened the meeting to a closed session at 6:32 P.M. with labor negotiators pursuant to Government Code Section 54957(b)(1) and 54957.6, as identified on the agenda as Item 14A and 14B and noted that the District's designated representatives are listed on the agenda.

CLOSED EXECUTIVE SESSION

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

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

A. PUBLIC EMPLOYEE Performance Evaluation (Government Code Section 54957(b)(1) Title: General Manager

B. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6) Agency Designated Representative: To Be Appointed in Open Session Prior to Closed Session

Unrepresented Employee: General Manager

President A. Nguyen reconvened the meeting at 6:47 P.M.

General Counsel J. Eggart reported that the Board had met in closed session as identified on Agenda Item No. 14A to discuss the General Manager's performance evaluation and 14B to confer with Labor Negotiators and that no reportable action had been taken.

General Counsel J. Eggart stated that the two closed session items would be re-agendized to the next regular meeting, which will be in-person.

ADJOURNMENT

President A. Nguyen adjourned the meeting to Tuesday, June 15, 2021 at 5:30 P.M. at the District office at approximately 6:48 P.M.

S. Contreras
Sergio Contreras, Secretary