

**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**

April 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, April 16, 2024 at 5:34 P.M.

BOARD MEMBERS PRESENT:

Mark Nguyen
Tyler Diep
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, Executive/Board Secretary

BOARD MEMBERS ABSENT:

Chi Charlie Nguyen

OTHERS PRESENT:

James H. Eggart, General Counsel Woodruff & Smart
Brian Hamblet, Burke, Williams, Sorensen, LLP

PLEDGE OF ALLEGIANCE AND INVOCATION:

Director T. Diep led the Pledge of Allegiance. Director S. Contreras gave the Invocation.

PUBLIC COMMENTS:

None.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON APRIL 2, 2024

A motion was made by Director T. Diep, seconded by Director A. Nguyen, to approve the minutes of the regular meeting on April 2, 2024. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

REPORTS:

Report of President

None.

Report of General Manager

GM R. Housley provided updates on events occurring at the District. He reported on the District's sewer system in detail.

Report of Director of Services & Program Development

Director of Services & Program Development A. Davies reported on three events: the Clean-up event at Sigler Park, the Westminster City Earth Day event on April 20, 2024, and the Clean-up event at Bolsa Chica in June.

Report of Outreach Committee Meeting on April 3, 2024

Director T. Diep and Director C. Nguyen attended the meeting to plan and prepare for the upcoming 85th Anniversary event and the Compost event.

Report of Franchise Committee Meeting on April 10, 2024

Director T. Diep and Director C. Nguyen attended the meeting to discuss current and future outreach opportunities with CR&R staff.

Report of Clean-up event at Sigler Park on April 13, 2024

President M. Nguyen, Director T. Diep, and Director A. Nguyen attended the event and reported that there was such a large turnout that the District had to request for the delivery of an additional bin from CR&R.

Report of Special District Leadership Academy (SDLA) on April 15-16, 2024

Director A. Nguyen and GM R. Housley attended the conference and expressed that this was an excellent chance to network in order to raise awareness within our field and to gain access to resources and support.

CONSENT CALENDAR:

- A. Receive and File the Register of Demands in the Amount of \$1,250,841.44
- B. Approve and File the Treasurer's Investment Report for March 2024
- C. Approve the April 3, 2024 Outreach Committee Recommendations
- D. Receive and File the Engineer Report for March 2024
- E. Approve a \$1000 Safety Award to Utility/Relief Driver, Juan Arvizu Sr. for Protecting the Community and Saving Solid Waste Truck NG-13 from a Fire on March 19, 2024
- F. Approve and Authorize the General Manager to Execute a Professional Services Agreement with Procure America for Cost Recovery and Reduction Services in the Areas of Utilities and Treasury Services

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the Consent Calendar. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

OLD BUSINESS:

None.

NEW BUSINESS:

A. A RESOLUTION NO. 2024-08 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ESTABLISHING A POLICY APPLICABLE TO DISTRICT DEPOSITS AND INVESTED FUNDS

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director T. Diep, seconded by Director S. Contreras, to adopt Resolution No. 2024-08 as presented at the meeting. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

B. A RESOLUTION NO. 2024-09 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING THE ANNUAL STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2024-2025 (JULY 1, 2024 THROUGH JUNE 30, 2025)

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director T. Diep, seconded by Director S. Contreras, to adopt Resolution No. 2024-09 as presented at the meeting. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen

INFORMATIONAL ITEMS:

A. ISDOC Quarterly Luncheon – April 25, 2024

Receive and File.

BOARD CONCERNS AND COMMENTS:

The Directors thanked the staff.

GM/STAFF CONCERNS AND COMMENT:

GM R. Housley thanked the Board for their support.

GENERAL COUNSEL CONCERNS AND COMMENTS:

General Counsel J. Eggart shared the most recent impact fee ruling from the U.S. Supreme Court, which ruled that developers and home builders in California may contest the fees commonly imposed by cities and counties to pay for new roads, schools, sewers, and other public improvements.

General Counsel, J. Eggart announced that, due to a conflict of interest, he would not be participating in the closed session, and that the closed session would be handed by the District's outside counsel.

With the consent of the full Board, General Counsel, J. Eggart convened the meeting to closed session at 5:52 P.M. for consideration of the following matter identified on Agenda pursuant to applicable law.

General Counsel, J. Eggart left the room.

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.

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

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION


(Gov Code § 54956.9 (d)) Jonathan H. Cannon et al v. Midway City Sanitary District
(Case No. 8:21-CV-01072 DOC (ADSx))

President M. Nguyen reconvened the open session portion of the meeting at 6:02 P.M.

President M. Nguyen reported that the Board had met in closed session as identified on Agenda Item 14A, and that no reportable action had been taken.

ADJOURNMENT:

President M. Nguyen adjourned the meeting at 6:02 P.M. to the next Board Meeting to be held at the District on Tuesday, May 21, 2024, at 5:30 P.M.


Andrew Nguyen, Secretary