

**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**

November 1, 2022

CALL TO ORDER

President A. Nguyen called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, November 1, 2022 at 5:33 P.M.

BOARD MEMBERS PRESENT:

Andrew Nguyen
Sergio Contreras
Chi Charlie Nguyen (via teleconference)
Mark Nguyen (via teleconference)

BOARD MEMBERS ABSENT:

Tyler Diep

STAFF PRESENT:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director

OTHERS PRESENT:

James Eggart, General Counsel
Kassie Rademacher, CliftonLarsonAllen LLP
Yousef Alinaghian, CRC Cloud
Mike Parker, CRC Cloud

PLEDGE AND INVOCATION

Director S. Contreras led the Pledge of Allegiance. General Manager K. Robbins gave the Invocation.

PUBLIC COMMENTS

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 18, 2022

(Roll Call Vote)

A motion was made by Director S. Contreras, seconded by Director C. Nguyen, to approve the minutes of both the regular meeting of October 18, 2022, and the special meeting of October 11, 2022. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

APPROVAL OF EXPENDITURES

(Roll Call Vote)

A. Demands in the amount of \$697,669.42

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	M
1	14083	10/14	12,402.72	Alternative Fuel Solutions	NG6 Rebuild blown engine trash truck
2	14084	10/14	312.83	AT&T Mobility (First Net)	Cell phone service
3	14085	10/14	525.00	Ayala's Car Wash	Washing and cleaning of District's fleet
4	14086	10/14	1,977.59	Chevron Texaco (Wex Bank)	Gasoline and diesel fuel for Sep-2022
5	14087	10/14	35.29	City of Westminster-Water Billing	Westminster lift station water
6	14088	10/14	191,752.76	CR Transfer, Inc.	Residential solid waste & organic tonnage fees
7	14089	10/14	809.80	Hydraforce, Inc.	Hydraulic cylinders for trash trucks
8	14090	10/14	804.23	Merchants Building Maintenance, LLC	Janitorial services Oct -2022
9	14091	10/14	1,492.26	NVB Equipment, Inc.	AC service for solid waste trucks
10	14092	10/14	359.33	SoCal First Aid & Safety	Restock first aid kits
11	14093	10/14	75.62	SoCalGas	Natural Gas for offices, shop, and wash rack
12	14094	10/14	107.05	UniFirst Corporation	Employee uniform & laundry services
13	14095	10/14	0.00	Voided Check	Printing error
14	14096	10/14	0.00	Voided Check	Printing error
15	14097	10/14	8,807.20	US Bank Corporate Payment System	District credit cards
16	14098	10/18	84.94	City of Westminster	Community Svs & Rec Dept Fall Festival
17	14099	10/18	8,810.00	CSDA	2023 membership dues
18	14100	10/18	5,592.00	Nova Products Environmental Division	2G Kitchen Organics Bin Q1,440
19	14101	10/18	875.84	Odyssey Power Corporation	District yard generator preventative maintenance
20	14102	10/18	301.50	Pitney Bowes/Purchase Power	Postage for Oct -2022
21	14103	10/18	4,047.00	Spectrum Enterprise (Time Warner Cable)	Internet Services Sep -2022
22	14104	10/18	300.00	Streamline	Website monthly member fee
23	14105	10/18	1,000.00	Viet Link Radio	30 minute radio talk show 10/7 and 10/10
24	14106	10/19	6,713.00	Woodruff, Spradlin & Smart	Legal Services Sep -2022
25	14107	10/24	438.68	AT&T (Brookhurst Lift Station)	Brookhurst Oct - 2022
26	14108	10/24	4,960.70	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
27	14109	10/24	1,802.68	Clean Energy	CNG station site inspection and service
28	14110	10/24	600.00	Country City Towing	Tow service for NG-6
29	14111	10/24	8,875.00	ECIS	Commercial grease control device Inspections
30	14112	10/24	809.80	Hydraforce, Inc.	Restock hydraulic cylinders for trash trucks
31	14113	10/24	899.26	Hydraulic Controls, Inc	Restock hydraulic control system for trash trucks
32	14114	10/24	6,207.44	Motion and Flow Control Products, Inc.	Hydraulic fittings for solid waste trucks
33	14115	10/24	258.00	Remington Pure	Water filtration service
34	14116	10/24	142.19	Snap-On Tools	Adapter and drill tools for shop
35	14117	10/24	649.80	SoCal Auto & Truck Parts, Inc.	Tools and equipment for shop use
36	14118	10/24	89.01	Spectrum Enterprise (Time Warner Cable)	TV services Oct -2022
37	14119	10/24	4,000.00	Tesco Controls, Inc.	Annual preventative maintenance & service
38	14120	10/24	905.34	UniFirst Corporation	Employee uniform & laundry services
39			\$ 277,823.86	CHECKS SUBTOTAL	
40					
41				PAYROLL:	MEMO
42	ACH	10/19	\$ 77,239.21	Paychex	Employee Payroll - Checks, Taxes, & Direct
43	ACH	10/19	\$ 7,820.00	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
44			\$ 85,059.21	ACH TRANSFERS SUBTOTAL	
45					
46				ACH PAYMENTS:	MEMO
47	ACH	10/19	\$ 16,429.67	CalPERS	Retirement Contributions for 10/03 - 10/16/22
48	ACH	10/20	\$ 348.45	Paychex	Time & Attendance Oct - 2022
49	ACH	10/20	\$ 250,000.00	CalPERS	Contribution for CEPPT 115 Trust Account
58	ACH	11/1	\$ 61,617.99	CalPERS	Active Employee and Retiree Health Ins Premiums
59	ACH	11/1	\$ 6,390.24	CalPERS	Board of Directors Health Insurance Premiums for
50			\$ 334,786.35	ACH TRANSFERS SUBTOTAL	
51					
52			\$ 697,669.42	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
53					
54				BANK TRANSFERS:	
55	UB	10/19	\$ 500,000.00	Transfer Funds from LAIF to Union Bank Checking	
56			\$ 500,000.00	BANK TRANSFERS	

A motion was made by Director M. Nguyen, seconded by Director S. Contreras, to approve the expenditures in the amount of \$697,669.42. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

REPORTS

Report of President

President A. Nguyen reported that Richard Toro from Driftwood Mobile Home Park requested the District to provide 150 kitchen counter top organic recycling pales. Staff was asked to provide Mr. Toro what the District had available.

Report of General Manager

GM K. Robbins updated the Board on the building project and advised the Board that trailer move in will be Friday, November 4th, and that internet and phone lines will be offline for most of the day due to the move. He advised that Staff will inform the public of the disruption via social media. Demolition of the back office and archive building to begin on November 14th, 2022.

Several staff members are at the CalPERS conference this week which being held locally. Next week, Cynthia Olsder will be at the CSDA board clerk training in Monterey, CA.

GM K. Robbins also advised the Board that an employee morale booster luncheon is planned for Thursday November 10th, 2022.

Report from Orange County Sanitation District Meeting on October 26, 2022

President A. Nguyen reported that OCSD provided an outreach tool kit regarding waste water to all jurisdictions within its sphere of influence. He also reported that the Westminster/Seal Beach sewer force main project is anticipated to be completed by the end of December 2022, and that construction of the new office building is on schedule.

ISDOC Quarterly Meeting on October 27, 2022

President A. Nguyen and Board Members C. Nguyen, S. Contreras, and M. Nguyen each attended and provided a report. It was reported that the meeting was informative but long and that future ISDOC Quarterly Meetings will likely be held via Zoom.

CONSENT CALENDAR

(Roll Call Vote)

- A. Approve the 1st Quarter Fiscal Year 2022-2023 Financial Reports and Budget Review
- B. Approve Fiscal Year 2022-2023 Budget Adjustments No.1
- C. Approve the Transferring and Reallocating of Funds into the Midway City Sanitary District's Reserve and Investment Accounts

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

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

OLD BUSINESS

- A. Selection of Vendor to Replace Current Analog Phone System with Voice Over IP Phone System **(Roll Call Vote)**

A staff report and recommendation were provided and considered by the Board. A motion was made by Director M. Nguyen, seconded by Director S. Contreras, to authorize the General Manager to enter into a contract with RingCentral and CRC Cloud to install and provide a Voice Over IP phone system for 60-month period pursuant to the submitted proposal.

The motion was approved by the following 4-0 roll call vote:

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

NEW BUSINESS

- A. Consider and Approve the Fiscal Year 2021-2022 Independent Financial Audit Report for Midway City Sanitary District (July 1, 2021 through June 30, 2022) **(Roll Call Vote)**

A staff report and recommendation were provided and considered by the Board. Kassie Rademacher of CliftonLarsonAllen LLP provided the Board and oral report of the Fiscal Year 2021-2022 Independent Financial Audit. A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve the Fiscal Year 2021-2022 Independent Financial Audit Report. The motion was approved by the following 4-0 roll call vote:

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

B. Appointment of Interim General Manager and Approval of Interim General Manager Employment Agreement **(Roll Call Vote)**

A staff report and recommendation were provided and considered by the Board. General Counsel J. Eggart made an oral report providing a summary of a recommendation for changes in the salaries, salary schedules, or compensation paid in the form of fringe benefits in accordance with Government Code Section 54953(c)(3). A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve and appoint Robert Housley as Interim General Manager, effective December 30, 2022, and to approve the proposed Interim General Manager Employment Agreement between the District and Robert Housley. The motion was approved by the following 4-0 roll call vote:

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

C. RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, MAKING SPECIFIED FINDINGS AND REAUTHORIZING THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 AND GOVERNMENT CODE SECTION 54953(e) FOR MEETINGS OF THE MIDWAY CITY SANITARY DISTRICT BOARD OF DIRECTORS AND OTHER DISTRICT COMMITTEES SUBJECT TO STATE OPEN MEETINGS LAWS. **(Roll Call Vote)**

A motion was made by President A. Nguyen, seconded by Director Contreras, to adopt Resolution No. 2022-23. The motion was approved by the following 4-0 roll call vote:

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

INFORMATIONAL ITEMS

A. The annual State of OC Sanitation District Virtual Event on November 15, 2022

BOARD CONCERNS/COMMENTS

President A. Nguyen thanked everyone for the prayers for his wife.

GM/STAFF CONCERNS/COMMENT

General Manager K. Robbins thanked the Board for direction at today's meeting, restated that the front office will be closed this Friday due to the move into the trailer and wished everyone luck regarding the election next week.

Finance Director R. Housley thanked the Board for their vote of confidence in appointing him Interim General Manager. He looks forward to working each Director during this time period.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel J. Eggart reported on a recent Court of Appeal opinion regarding agenda language needed regarding CEQA Compliance on certain contracts.

J. Eggart also advised the Board that there was no need to convene into closed session regarding Agenda Item 14.A and that the Board could defer discussing Agenda Item 14.B until a later time if it preferred.

The consensus of the Board was to defer Closed Session item 14.B to a later meeting when all Directors are able to attend.

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. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
Title: Agency Designated Representatives: James Eggart, Charlie Nguyen, Sergio Contreras
Unrepresented Employee: Robert Housley
- B. PUBLIC EMPLOYEE EMPLOYMENT / APPOINTMENT
(Government Code Section 54957(b)(1))
Title: General Manager

The Board did not convene into Closed Session.

ADJOURNMENT

President A. Nguyen adjourned the meeting at 6:13 PM to the next Board meeting to be held at the District on Tuesday, November 15, 2022 at 5:30 PM.

Sergio Contreras
Sergio Contreras, Secretary