

**MIDWAY CITY SANITARY DISTRICT
REGULAR MEETING
BOARD OF DIRECTORS
DISTRICT OFFICE
14451 CEDARWOOD STREET
WESTMINSTER, CA 92683**

**Tuesday, February 6, 2024
5:30 PM**

AGENDA

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. APPROVAL OF THE MINUTES

- A. Approval of the Minutes of the Regular Meeting on January 16, 2024
- B. Approval of the Minutes of the Special Meeting on January 31, 2024

5. 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 Building Project Ad Hoc Committee Meeting on January 17, 2024
- E. Report of OC San Board of Directors Meeting on January 17, 2024
- F. Report of District Employee Luncheon on January 24, 2024
- G. Report of ISDOC Quarterly Meeting on January 31, 2024
- H. Report of District Open House on February 3, 2024

6. 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 \$909,625.06
- B. Recognition and Approval of a 20-year Accident and Injury Free Award for Sewer Maintenance Pump Mechanic, Miguel Jimenez, in the amount of \$750.00

7. OLD BUSINESS

- A. Consider Approval of Media Plan

8. NEW BUSINESS

- A. Approve the Budget Calendar for Fiscal Year 2024-2025 and Schedule Public Budget Workshops

- B. RESOLUTION NO. 2024-02

CONSIDERATION OF RESOLUTION NO. 2024-02 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY ADOPTING A REVISED POLICY REGARDING BOARD OF DIRECTORS DAYS OF SERVICE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 6489

- C. Review and Discussion of Board Policy Regarding Board of Director Absences and Attendance at Meetings
- D. Appointment of Labor Negotiators(s) For Purposes of Conducting Labor Negotiations with General Manager

9. INFORMATIONAL ITEMS

None

10. BOARD CONCERNS AND COMMENTS

11. GM/STAFF CONCERNS AND COMMENTS

12. LEGAL COUNSEL CONCERNS AND COMMENTS

13. CLOSED SESSION ITEMS

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)
Agency Designated Representatives: General Manager Robert Housley and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957(b)(1)) Title: General Manager
- C. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
Agency Designated Representatives: To be Appointed in Open Session Unrepresented Employee: Robert Housley

14. OPEN SESSION ITEM AFTER CLOSED SESSION

- A. Discuss and Consider Approval of Award of Performance Bonus and/or Increase to General Manager Salary or Compensation Pursuant to General Manager Employment Agreement and Direction to General Counsel to Prepare Ratifying Resolution

15. ADJOURNMENT TO TUESDAY, FEBRUARY 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**

January 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, January 16, 2024 at 5:34 PM.

BOARD MEMBERS PRESENT:

Mark Nguyen
Chi Charlie Nguyen
Andrew Nguyen
Sergio Contreras

STAFF MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Tyler Diep

OTHER STAFF MEMBERS PRESENT:

James H. Eggart, General Counsel Woodruff & Smart
Joseph D. Larsen, Labor Counsel Rutan & Tucker, LLP
Kassie Rademacher, Independent Auditors CliftonLarsenAllen

PLEDGE OF ALLEGIANCE AND INVOCATION:

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

PUBLIC COMMENTS:

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON DECEMBER 19, 2023:

A motion was made by Director A. Nguyen, seconded by Director C. Nguyen, to approve the minutes of the Regular Meeting on December 19, 2023. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

APPROVAL OF EXPENDITURES

A. Approval of Demands in the Amount of \$1,876,387.89

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$1,876,387.89 as reflected in the Register of Demands included in the Agenda Packet and presented at the meeting. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

REPORTS:

Report of President

None

Report of General Manager

GM R. Housley provided updates on what was happening at the District.

Report of Director of Services & Program Development

Director of Services & Program Development A. Davies provided updates on the Open House Event and the Westminster Tet Parade.

Report of Westminster Tet Parade Staff Meeting on January 3, 2024

Director A. Nguyen attended the meeting with staff to obtain more details about the event.

Report of Building Project Ad Hoc Committee Meeting on January 2 & 16, 2024

Director S. Contreras reported that he was present at the meeting and provided an update on the building project.

Report of Westminster Community Foundation Tet Gala on January 6, 2024

Director C. Nguyen, Director T. Diep, President M. Nguyen, and Director A. Nguyen attended the event with Staff and reported that it was well attended and informative.

Report of Radio Outreach Radio Bolsa on January 8, 2024

President A. Nguyen and Director C. Nguyen attended the radio recording to provide information on SB 1383, the District's services and upcoming events.

Report of Radio Outreach VNCR on January 9, 2024

Director M. Nguyen and Director S. Contreras attended the radio recording to provide information on SB 1383, the District's services and upcoming events.

CONSENT CALENDAR:

- A. Approve and File the Treasurer's Investment Report for December 2023
- B. Approve and File the Engineer Report for December 2023
- C. Approve the January 3, 2024 Outreach Committee Recommendations
- D. Approve 2024 Work Plan for Director of Services and Program Development

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 4-0 roll vote:

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

OLD BUSINESS:

None

NEW BUSINESS:

- A. Consider and Approve the Fiscal Year 2022-23 Independent Financial Audit Report for Midway City Sanitary District (July 1, 2022 through June 30, 2023)

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve the Fiscal Year 2022-2023 Independent Financial Audit report for Midway City Sanitary District (July 1, 2022 through June 30, 2023). The motion was approved by the following 4-0 vote:

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

B. RESOLUTION NO. 2024-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, REVISING THE POLICIES AND PROCEDURES OF THE BOARD OF DIRECTORS

A staff report and recommendations were provided and considered by the Board. The Board discussed the proposed Policy revisions and directed changes to be made to new Sections 2.F. and 2.G. to remove language reflected in the Board's separate Policy regarding Board of Director Absences and Attendance at Meetings and to bring that policy for review at the next regular meeting. A motion was made by President M. Nguyen, seconded by Director C. Nguyen, to adopt the proposed Resolution No. 2024-01, adopting Amended Policies and Procedures of the Board of Directors of the Midway City Sanitary District, with specified changes to Section 2.F. and Section 2.G of the Policy. The motion was approved by the following 4-0 roll call vote:

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

C. Consider Approval of 12-Month Media Plan

A staff report and recommendation were provided and considered by the Board. The Board discussed the proposed media plan and provided comments and suggestions for revisions. A motion was made by President C. Nguyen, seconded by Director A. Nguyen, to table consideration of the 12-month media plan until the February 6, 2024 regular meeting. The motion was approved by the following 4-0 vote:

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

D. Consider Scheduling a Legislative Update Workshop

A staff report and recommendations were provided and considered by the Board. A motion was made by President M. Nguyen, seconded by Director C. Nguyen, to schedule a special meeting for a Legislative update workshop on Friday, February 16, 2024, at 5:00 P.M. at the District's offices. The motion was approved by the following 4-0 vote:

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

INFORMATIONAL ITEMS:

A. ISDOC Quarterly Luncheon Meeting – Thursday, January 25, 2024

Received and File.

President M. Nguyen requested that the closed session scheduled as Item 14 be moved up on the Agenda and the other Board Members provided their consent.

With the consent of the full Board, General Counsel, J. Eggart convened the meeting to closed session at 6:52 PM pursuant to Government Code Section 54957.6, as identified on the agenda as item 14A, in order for Board to confer with its designated Labor Negotiator representatives. General Counsel J. Eggart noted that the District's designated representatives are General Manager Robert Housley and Labor Counsel Joseph Larsen.

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

President M. Nguyen reconvened the open session portion of the meeting at 7:17 PM.

General Counsel J. Eggart reported that the Board had met in closed session as identified on Agenda Item 14A, and that no reportable action had been taken.

BOARD CONCERNS AND COMMENTS:

The Board thanked Staff.

GM/STAFF CONCERNS AND COMMENT:

None

GENERAL COUNSEL CONCERNS AND COMMENTS:

None

ADJOURNMENT:

President M. Nguyen adjourned the meeting at 7:22 PM to the next Board Meeting to be held at the District on Tuesday, February 6, 2024, at 5:30 PM.

Andrew Nguyen, Secretary

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

January 31, 2024

CALL TO ORDER:

President M. Nguyen called the special meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Street, Westminster, California on Wednesday, January 31, 2024 at 5:35 PM.

BOARD MEMBERS PRESENT:

Tyler Diep
Chi Charlie Nguyen
Andrew Nguyen
Sergio Contreras
Mark Nguyen

STAFF PRESENT:

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

OTHER STAFF MEMBERS PRESENT:

James H. Eggart, General Counsel Woodruff & Smart

PLEDGE AND INVOCATION:

Director C. Nguyen led the Pledge of Allegiance. Director T. Diep gave the Invocation.

PUBLIC COMMENTS:

None

NEW BUSINESS:

A. Consider Scheduling a Strategic Planning Workshop

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to schedule special meetings for the purpose of holding strategic planning workshops on Wednesday, March 6, 2024 at 5:30 PM at the District offices and on Thursday, April 4, 2024 at 5:30 PM at the District's offices.

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS:

None

BOARD CONCERNS AND COMMENTS:

The Board thanked Staff.

GENERAL MANAGER AND STAFF CONCERNS AND COMMENTS:

GM R. Housley provided an update on the building project and informed the Board about the District's upcoming events. He revealed that solid waste driver Robert Mayfield had retired. The District is now recruiting for a replacement. Additionally, he thanked the Board for their understanding during the entire construction process.

GENERAL COUNSEL CONCERNS AND COMMENTS:

None

CLOSED SESSIONS:

None

ADJOURNMENT:

President M. Nguyen adjourned the meeting at 6:04 PM to the next regular board meeting to be held at the District on Tuesday, February 6, 2024, at 5:30 PM.

Andrew Nguyen, Secretary

AGENDA ITEM #6A

Date: February 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 \$909,625.06

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.

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

FISCAL IMPACT

The total value of demand for this period is \$909,625.06. 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:

Disbursement Details for February 06, 2024

Midway City Sanitary District
Accounts Payable Expenditures, Payments, Payroll, and Transfer(s) Report
Prepared for Board Meeting held on February 06, 2024

Type	Num	Date	Name	Memo	Paid Amount
Check	15284	01/12/2024	Advanced Office	Acct # FI09-1 WO# 502046	
Bill	AR1215719	01/11/2024		Ricoh copier service - replace fuser belt	419.20
					419.20
Check	15285	01/12/2024	AKM Consulting Engineers, Inc.	Project No. 2351831.00	
Bill	0012602	01/08/2024		Sewer System Master Plan 12/04/23 - 12/29/23	18,193.00
					18,193.00
Check	15286	01/12/2024	Ayala's Car Wash	Fleet Wash 01/02/2024	
Bill	2121	01/02/2024		Fleet Wash (2) 01/02/2024	80.00
				Fleet Wash (5) 01/02/2024	200.00
					280.00
Check	15287	01/12/2024	Betts Truck Parts & Service	PO # 28392	
Bill	05P14852	01/02/2024		Qwik-Fit Composite Fitting (17), Ultra Grey RTV (2)	165.72
					165.72
Check	15288	01/12/2024	Bodyworks Equip. Inc.	PO# 30964	
Bill	46032	01/03/2024		Grabber Drive Gear (2), Idler Gear (2), Grip Belt (10), Spring (10), 2" Bearing (10), Stop Switc...	4,031.03
					4,031.03
Check	15289	01/12/2024	City of Westminster-Water Billing		
Bill	8456005 1223	12/31/2023		Hammon Lift Station 11/01/23 - 12/18/23	22.32
Bill	8451607 1223	12/31/2023		Westminster Lift Station 10/31/23 - 12/13/23	19.07
					41.39
Check	15290	01/12/2024	Clean Energy	Cust # 124470 Order # FSOW1402226	
Bill	CEW12649886	12/31/2023		CNG Station Service 12/27/23	1,891.48
					1,891.48
Check	15291	01/12/2024	Cort Business Services Corporation	VOID: Office Furniture	
					0.00
Check	15292	01/12/2024	Dartco Transmission Sales & Srvs.	Customer # 0343701 PO# 30963	
Bill	C272022	01/03/2024		Bolt (7)	18.33
					18.33
Check	15293	01/12/2024	Haaker Equipment Co.	Customer # 129 PO# 30966	
Bill	C1AATT	01/04/2024		Joystick (1) and Swivel (1) for NG-16 Vactor Truck	1,888.03
					1,888.03
Check	15294	01/12/2024	Me Viet Nam Productions	DECEMBER-2023	
Bill	Feb-00 Dec	12/31/2023		Talk Show 15 minute (7) 12/16/23 - 12/31/23	2,000.00
					2,000.00
Check	15295	01/12/2024	Orange County Treasurer-Tax Collector	WEROC/Emergency Radio	
Bill	STCS002128	01/11/2024		WEROC Emergency Radio 01/01/2024 - 03/31/2024	127.25
					127.25
Check	15296	01/12/2024	Pro-Vision, Inc.	Acct # 1992434	
Bill	INV2123000	12/20/2023		Camera System for NG-19	1,842.80
				Camera System for NG-20	1,842.80
				Camera System for NG-21	1,842.78
					5,528.38
Check	15297	01/12/2024	Rutan & Tucker, LLP	Account # 014843-0001	
Bill	981317	12/31/2023		Legal Services Dec-2023	2,570.00
					2,570.00
Check	15298	01/12/2024	Safety-Kleen Systems, Inc.		
Bill	93583587	01/04/2024		Hydraulic Oil (115 gallons)	1,499.49
Bill	93586778	01/05/2024		Drum, 55GA Oil Filter Waste (2)	1,710.15
					3,209.64
Check	15299	01/12/2024	Sign Design	MCSD	

Midway City Sanitary District
Accounts Payable Expenditures, Payments, Payroll, and Transfer(s) Report
Prepared for Board Meeting held on February 06, 2024

Type	Num	Date	Name	Memo	Paid Amount
Bill	83917	01/02/2024		District logo vehicle decals (10)	195.75
					195.75
Check	15300	01/12/2024	SoCal Auto & Truck Parts, Inc.	PO# 30955	
Bill	599760	12/28/2023		Brake parts cleaner (48), Halogen Sealed Beams (6), Hub Cap (7), Class 2 Strobe Beacon (3), Elec...	1,404.39
					1,404.39
Check	15301	01/12/2024	SoCalGas	Acct # 021-760-4610 6	
Bill	02176046106 1223	12/31/2023		CNG Station Dec-2023 (10,683)	9,798.09
					9,798.09
Check	15302	01/12/2024	UniFirst Corporation		
Bill	2190109375	01/05/2024		January - 2024	179.52
Bill	2190109376	01/05/2024		January - 2024	69.68
Bill	2190109377	01/05/2024		January - 2024	62.54
Bill	2190109378	01/05/2024		January - 2024	14.09
					325.83
Check	15303	01/12/2024	VNCR	01/11/2024 - 01/30/2024	
Bill	2024 / 01-253	01/11/2024		Radio talkshow 18 min (4) 01/11/24 - 01/30/24	1,986.00
					1,986.00
Check	15304	01/12/2024	Woodruff & Smart	ID: 2003-JHE	
Bill	75234	12/31/2023		Legal Services Dec-2023	11,043.20
					11,043.20
Check	15305	01/17/2024	Dintech	2024 85th Annv Trash Truck Signs	
Bill	18379	01/17/2024		2024 85th Anniversary Trash Truck Signs (Q36)	9,521.00
					9,521.00
Check	15306	01/18/2024	Akeso Occupational Health		
Bill	EM001763	12/21/2023		Physical - DOT Mayfield, Robert	100.00
Bill	EM001986	01/15/2024		Breath Alcohol Test - DOT, Drug Screen DOT Collection Only - Gonzalez, Alejandro	90.00
					190.00
Check	15307	01/18/2024	AT&T Mobility (First Net)	Acct # 287291683611	
Bill	287291683611X011024	12/31/2023		December 2023	372.57
				December 2023	137.13
				December 2023	91.42
					601.12
Check	15308	01/18/2024	Ayala's Car Wash		
Bill	2123	01/08/2024		Fleet Wash (9) 01/08/24	360.00
Bill	1562	01/09/2024		Fleet Wash (2) 01/09/24	60.00
				Fleet Wash (3) 01/09/24	90.00
				Fleet Wash (3) 01/09/24	90.00
				Fleet Wash (2) 01/09/24	60.00
				Wash and Wax (1) 01/09/24	120.00
Bill	2124	01/15/2024		Fleet Wash (6) 01/15/2024	240.00
				Fleet Wash (2) 01/15/2024	80.00
					1,100.00
Check	15309	01/18/2024	Benson Minh Tran	General Manager Head Shots	
Bill	01/12/24	01/12/2024		General Manager Head Shots	250.00
					250.00
Check	15310	01/18/2024	Betts Truck Parts & Service	PO # 30971	
Bill	05P15002	01/08/2024		Qwik-Fit Composite Fitting (2) for NG-16	28.61
					28.61
Check	15311	01/18/2024	Cameron Welding Supply		
Bill	1609693-00	01/12/2024		Denim FR Cotton Work Shirt Large (1)	58.07
Bill	1609667-00	01/12/2024		Acetylene (1), Oxygen, Compressed (1), Propane (1), Safety Glasses (1), Revco Tigster (4), Long ...	685.01
					743.08
Check	15312	01/18/2024	Chevron Texaco (Wex Bank)	Acct # 0496-00-525172-3	
Bill	94370183	12/31/2023		Dec-2023	71.45
				Dec-2023	291.50

Midway City Sanitary District
Accounts Payable Expenditures, Payments, Payroll, and Transfer(s) Report
Prepared for Board Meeting held on February 06, 2024

Type	Num	Date	Name	Memo	Paid Amount
				Dec-2023	223.34
				Dec-2023	672.59
					1,258.88
Check	15313	01/18/2024	City of Westminster Hydrant	Acct #013-0012-00 Customer #045973	
Bill	87523 01/12/24	01/12/2024		Hydrant Water Service Jan-2024	84.94
					84.94
Check	15314	01/18/2024	Cummins Pacific LLC	Ref. No. 130518 PO# 30976	
Bill	X4-45502	01/16/2024		Engine Repairs to NG-2, NG-13, NG-15	2,170.94
					2,170.94
Check	15315	01/18/2024	Hydraulic Solutions And Supplies		
Bill	126201	01/09/2024		Rebuild hydraulic pump for NG-5	1,826.54
					1,826.54
Check	15316	01/18/2024	Merchants Building Maintenance, LLC	Cust # 33114	
Bill	779411	01/10/2024		Deep cean flooring in Shop restroom - 1/9/24	175.00
					175.00
Check	15317	01/18/2024	Pitney Bowes Global Financial Services	0015134453	
Bill	3106489776	01/11/2024		Postage Machine 01/10/24 - 04/09/24	254.76
					254.76
Check	15318	01/18/2024	Pitney Bowes/Purchase Power	Acct # 80000-90000-0933-5138	
Bill	8000900093351380124	01/10/2024		Postage December-2023	100.00
				Postage January-2024	101.00
					201.00
Check	15319	01/18/2024	Pro-Vision, Inc.	Acct # 1992434	
Bill	INV2123541	01/12/2024		7" Quad Monitor Power Harness (1)	75.96
					75.96
Check	15320	01/18/2024	Safety-Kleen Systems, Inc.	PO# 30975 Cust# MI47237	
Bill	93481405-2306748053	01/10/2024		Serviced Parts Washer in Shop	291.46
					291.46
Check	15321	01/18/2024	Samsara Inc.	Order # S-1968529 PO#	
Bill	310519552701947	01/10/2024		License/Support Vehicle Cameras 01/10/24 -01/09/25 (1) NG-19	1,291.41
					1,291.41
Check	15322	01/18/2024	SDRMA - Claims	Claim # AD2324009367-0001 Ref# C00402	
Bill	AD2324009367-0001	01/17/2024		Claim Incident dated 11/15/2023	1,000.00
					1,000.00
Check	15323	01/18/2024	SDRMA - Employee Benefits	Member # 7732	
Bill	H44256	02/01/2024		Feb - 2024	522.84
				Feb - 2024	1,549.75
				Feb - 2024	865.20
				Feb - 2024	527.36
				Feb - 2024	453.41
				Feb - 2024	95.59
				Feb - 2024	243.39
				Feb - 2024	105.45
				Feb - 2024	98.48
				Feb - 2024	48.71
					4,510.18
Check	15324	01/18/2024	SoCal Auto & Truck Parts, Inc.	PO# 30976	
Bill	600405	01/09/2024		Differential Mounting (1)	444.00
					444.00
Check	15325	01/18/2024	SoCalGas	Acct # 1938092600 6	
Bill	19380926006 01112024	01/11/2024		Maint. Shop & Wash Rack - Jan 2024	36.99
					36.99
Check	15326	01/18/2024	Spectrum Enterprise (Time Warner Cable)	Acct # 8448 40 013 0973949	

Midway City Sanitary District
Accounts Payable Expenditures, Payments, Payroll, and Transfer(s) Report
Prepared for Board Meeting held on February 06, 2024

Type	Num	Date	Name	Memo	Paid Amount
Bill	0973949010924	01/09/2024		Jan-2024	1,349.00
					1,349.00
Check	15327	01/18/2024	TEC Of California, Inc.		
Bill	1424929L	01/03/2024		Slack Adjusters (4)	389.49
Bill	1425821L	01/08/2024		Air Fittings for NG-6	129.21
Bill	1425810L	01/08/2024		Cab lock for NG-13	718.66
					1,237.36
Check	15328	01/18/2024	Tell Steel	PO# 30980	
Bill	15580	01/16/2024		Metal plates (13) Solid Waste trucks	4,116.26
					4,116.26
Check	15329	01/18/2024	UniFirst Corporation		
Bill	2190112226	01/12/2024		January - 2024	179.52
Bill	2190112227	01/12/2024		January - 2024	69.68
Bill	2190112228	01/12/2024		January - 2024	62.54
Bill	2190112229	01/12/2024		January - 2024	14.09
					325.83
Check	15330	01/18/2024	Woodcliff Corporation - Contractor	Project No: 202041	
Bill	Solar #03 122023	01/17/2024		Solar Project Pay App #3 12/2023	221,902.96
Bill	Building #15 Dec-23	01/18/2024		Building Project Pay App #15 Dec 2023	305,363.21
					527,266.17
Check	15331	01/18/2024	Woodcliff Corporation - Escrow Account		
Bill	122023 3586554618	01/17/2024		Solar Project #3 December 2023 - Retention Payment	11,679.10
Bill	3586554618 122023	01/18/2024		Building Project #15 Dec 2023 - Retention Payment	16,071.75
					27,750.85
Check	15332	01/22/2024	Golden Trophy & Promotions	VOID: Board Room Signage	
					0.00
Check	15333	01/22/2024	Golden Trophy & Promotions	Board Room Signage	
Bill	PLATES	01/13/2024		Board Room Signage	1,158.01
					1,158.01
Check	15334	01/24/2024	AT&T (Brookhurst Lift Station)	Acct # 714 531-0272 115 1	
Bill	7145310272 01/24	01/13/2024		Brookhurst Jan-2024	534.85
					534.85
Check	15335	01/24/2024	Atlas Radiator, Inc.	PO# 30987 Order # 372000	
Bill	68637	01/18/2024		Rebuilt Radiator NG-6	2,613.18
					2,613.18
Check	15336	01/24/2024	Ayala's Car Wash	Fleet Wash 01/23/24	
Bill	2125	01/23/2024		Fleet Wash (7) 01/23/24	280.00
					280.00
Check	15337	01/24/2024	CliftonLarsonAllen, LLP	Account No. A169737	
Bill	L241018384	01/22/2024		District Audit Final Billing for FYE 06/30/2023	2,973.81
				GANN Final Billing for FYE 06/30/2023	495.24
				SCO Final Billing for FYE 06/30/2023	1,190.48
				Technology and Client Support Fee	232.98
					4,892.51
Check	15338	01/24/2024	Grainger	Acct # 814369849 PO# 30982	
Bill	9963998647	01/16/2024		Cargo Bar for Welding	175.68
					175.68
Check	15339	01/24/2024	Merchants Building Maintenance, LLC	Cust # 33114	
Bill	780128	01/16/2024		Janitorial Services January - 2024	853.21
					853.21
Check	15340	01/24/2024	SDRMA - Property/Liability	Member #7732	

Midway City Sanitary District
Accounts Payable Expenditures, Payments, Payroll, and Transfer(s) Report
Prepared for Board Meeting held on February 06, 2024

Type	Num	Date	Name	Memo	Paid Amount
Bill	74975	01/02/2024		Ins: 2024 Mack LEU (NG-19) (1M2LR7GC9RM002469)	2,370.18
					2,370.18
Check	15341	01/24/2024	TSP Printing	PO # Nick C.	
Bill	14549	01/16/2024		Driver Vehicle Inspection Books(2,750)	1,023.93
					1,023.93
Check	15342	01/24/2024	UniFirst Corporation		
Bill	2190115792	01/19/2024		January - 2024	179.52
Bill	2190115793	01/19/2024		January - 2024	69.68
Bill	2190115794	01/19/2024		January - 2024	62.54
Bill	2190115795	01/19/2024		January - 2024	14.09
					325.83
Check Total					\$667,445.43
Transfer		01/10/2024	Nationwide	Funds Transfer 457(b) Roth	
				Funds Transfer 457(b) Roth	1,390.48
				TOTAL	1,390.48
Transfer		01/10/2024	Nationwide	Funds Transfer 457(b) Salary Reduction	
				Funds Transfer 457(b) Salary Reduction	5,295.22
				TOTAL	5,295.22
Transfer		01/24/2024	Nationwide	Funds Transfer 457(b) Salary Reduction	
				Funds Transfer 457(b) Salary Reduction	4,896.19
				TOTAL	4,896.19
Transfer		01/24/2024	Nationwide	Funds Transfer 457(b) Roth	
				Funds Transfer 457(b) Roth	1,442.62
				TOTAL	1,442.62
Check	FY24M1042	01/12/2024	AKM Consulting Engineers, Inc.	To Apply Credit	
Bill	0012421	09/18/2023	AKM Consulting Engineers, Inc.	Project No. 2351862.00	0.00
Bill	0012472R	10/05/2023	AKM Consulting Engineers, Inc.	Project No. 2351831.00	0.00
					0.00
Check	FY24M1043	01/12/2024	CalPERS-Retirement	6882866561	
Bill	12/25/23 - 01/07/24	01/07/2024		Earned Period 12/25/23-01/07/24	1,824.99
				Earned Period 12/25/23-01/07/24	3,287.15
				Earned Period 12/25/23-01/07/24	3,899.68
				Earned Period 12/25/23-01/07/24	1,327.43
					10,339.25
Check	FY24M1043	01/12/2024	CalPERS-Retirement	6882866561	
Bill	12/25/23 - 01/07/24	01/07/2024		Earned Period 12/25/23-01/07/24	1,656.52
				Earned Period 12/25/23-01/07/24	2,983.69
				Earned Period 12/25/23-01/07/24	3,539.68
				Earned Period 12/25/23-01/07/24	1,204.88
					9,384.77
Check	FY24M1043	01/12/2024	CalPERS-Retirement	6882866561	
Bill	12/25/23 - 01/07/24	01/07/2024		Earned Period 12/25/23-01/07/24	112.00
				Earned Period 12/25/23-01/07/24	201.74
				Earned Period 12/25/23-01/07/24	239.33
				Earned Period 12/25/23-01/07/24	81.47
					634.54
ACH Payments Total					\$33,383.07
Payroll		01/10/2024		Employee Payroll	116,351.67
Payroll		01/24/2024		Employee Payroll	92,444.89
Payroll Total					\$208,796.56
Total Disbursements					\$909,625.06
Transfers					
Transfer		01/17/2024		Funds Transfer MM to CHK Ref# 144516129	
				Funds Transfer MM to CHK Ref# 144516129	6,000,000.00
					6,000,000.00
Transfer		01/18/2024		Funds Transfer US Bank CHK to LAIF	
				Funds Transfer US Bank CHK to LAIF	3,000,000.00

Midway City Sanitary District

Accounts Payable Expenditures, Payments, Payroll, and Transfer(s) Report

Prepared for Board Meeting held on February 06, 2024

Type	Num	Date	Name	Memo	Paid Amount
					3,000,000.00
Transfer		01/18/2024		Woodcliff Corporation Chk No.15330	
				Woodcliff Corporation Chk No.15330	527,266.17
					527,266.17
Transfer		01/18/2024		Woodcliff Corporation Escrow Acct Chk No.15331	
				Woodcliff Corporation Escrow Acct Chk No.15331	27,750.85
					27,750.85
Transfers Total					\$9,555,017.02

AGENDA ITEM #6B

Date: February 6, 2024

To: Board of Directors

From: Robert Housley, General Manager

Prepared by: Leanne Luu, Human Resources Coordinator

Subject: Recognition and Approval of a 20-year Accident and Injury Free Award for Sewer Maintenance Pump Mechanic, Miguel Jimenez, in the amount of \$750.00

BACKGROUND

As of January 3, 2024, Sewer Maintenance Pump Mechanic, Miguel Jimenez, became eligible for the 20-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

\$750.00

STAFF RECOMMENDATION

Staff recommends that the Board of Directors approve a 20-year accident and injury free award for Sewer Maintenance Pump Mechanic, Miguel Jimenez, in the amount of \$750.00.

AGENDA ITEM #7A

Date: February 6, 2024

To: Board of Directors

From: Robert Housley, General Manager

Prepared by: Ashley Davies, Director of Services and Program Development

Subject: Consider Approval of Media Plan

BACKGROUND

During the October 4, 2023, Outreach Committee meeting Staff was directed to create a 12-month Media Plan (Plan) for the upcoming calendar year. This Plan will focus on targeted outreach on social media, print, TV, radio, and other platforms. At the time of the Outreach meeting, the Midway City Sanitary District (District) had Facebook, Instagram, monthly radio programs, access to Westminster TV, and a YouTube channel. Many of these platforms have not been used on a regular basis or with any planned/targeted purpose. The goal of the 12-month Plan is to have a layout of media outreach for the entire year to maximize all platforms being used while also accommodating the budget for outreach. This media plan includes but is not limited to Facebook, Instagram, radio programs, print ads, YouTube, TV, and digital newsletters. The Plan has been broken down monthly with platforms being used in a strategic manner. The cost associated with each platform has also been outlined to help provide information on where funds are being spent and if they could be moved around for use in other areas of the plan. At the January 16, 2024 Board Meeting, the Board asked to have this item brought back with changes. Modifications have been made to the plan to provide a media plan for the remainder of the 2024 fiscal year.

DISCUSSION

This Plan is for the period of February 2024 to June 2024. The purpose of the Plan is to create a framework for targeted outreach for the entire year by providing relevant and important educational information, about the district and its services, events, and programs. Once it is decided which platforms will be utilized, Staff will begin creating material that will be used on the platforms based on upcoming events, information that needs to be shared with the public, and continued engagement. As the Plan is used throughout the year, Staff and the Outreach Committee will evaluate each month its effectiveness and make recommendations and adjustments as needed. A major benefit of adopting an annual Plan is that Staff can use the plan to guide outreach efforts effectively, efficiently and in advance. It will also provide a framework for when certain outreach should be made. The proposed Plan is a list of options available for the District to utilize. Some of the platforms listed have been used in the past, while others will be new to District outreach efforts. The current Plan is a menu of platforms available for the District to utilize for this year. The platforms listed can be easily modified as desired.

Last fiscal year the District spent \$28,797.30 on media outreach. This fiscal year we have spent \$23,706 with a budget of \$60,000.

FISCAL IMPACT

The fiscal impact outlined here is if the Board were to approve the Plan as presented would be:

February – June 2024

\$32,750

STAFF RECOMMENDATION

Staff recommends that the Board of Directors discuss and approve the attached Media Plan with any additional recommendations.

ATTACHMENTS:

Proposed Media Plan

2024 Media Plan February – June 2024

Type of outreach	Frequency	Feb – June cost
Vietnamese Radio	Twice a month	\$20,000
Spectrum	Monthly (3-week ad run)	\$6,750
YouTube	3 times	\$3000
Spanish Print	12 times	\$2500
Facebook	3 X per week post + Monthly boosts	\$500
Instagram	3 X week post	\$0
Event Brite	Monthly	\$0
City of Westminster Rec Guide	Quarterly	\$0
Westminster TV (Channel 3)	3 times	\$0
Total		\$32,750

AGENDA ITEM #8A

Date: February 6, 2024

To: Board of Directors

From: Robert Housley, General Manager

Prepared by: Robert Housley, General Manager

Subject: Approve the Budget Calendar for Fiscal Year 2024-2025 and Schedule Public Budget Workshops

BACKGROUND

Annually, the Midway City Sanitary District (District) Board of Directors adopts its operating and capital budgets in June for the upcoming fiscal year. The District’s fiscal year begins July 1st of each year and ends June 30th the next year.

DISCUSSION

As part of the annual budget development process, the Board of Directors reviews the budget calendar and schedules a series of workshop/study sessions ultimately resulting in budget adoption. The budget document is a policy document which establishes how the District will allocate its resources to address its evolving priorities and strategic goals.

The workshops/study sessions allow the Board of Directors and the public an opportunity to hear staff’s preliminary outlook for the upcoming budget and more importantly to collaborate, voice priorities, goals and objectives. Then the goals and objectives are translated into a final budget document that is put before the Board in June for adoption.

Budget Calendar: to be scheduled in yellow

Feb 6, 2024	Proposed Budget Calendar to Board of Directors for Consideration
Feb/Mar 2023	General Manager/Department Head Meetings - Estimates Due
April 2023	First Public Budget Workshop/Study Session
May 2023	Second Public Budget Workshop/Study Session
Jun 18, 2024	Board of Directors Adopts Budget (Fiscal Year for 2024-2025)

FISCAL IMPACT

There is no fiscal impact to approve the budget calendar and schedule the budget workshops.

STAFF RECOMMENDATION

Staff recommends that the Board of Directors select dates for the public budget workshops and approve the budget calendar for Fiscal Year 2024-2025.

AGENDA ITEM #8B

Date: February 6, 2024

To: Board of Directors

From: Robert Housley, General Manager

Prepared by: Robert Housley, General Manager

Subject: **CONSIDERATION OF RESOLUTION NO. 2024-02 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY ADOPTING A REVISED POLICY REGARDING BOARD OF DIRECTORS DAYS OF SERVICE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 6489**

BACKGROUND

Pursuant to Health and Safety Code Section 6489, Directors are entitled to compensation for each day's attendance at meetings of the Board and for each day's service rendered as a Director by request of the Board. The rate of Director compensation is currently set at \$300.00 per day, not to exceed six days in any calendar month.

In March 2023, the Board adopted a Requested Days of Service Policy to clarify what events and activities constituted days of service entitling Directors to compensation. The Policy is intended to identify standard requested authorized days of service for Board Members to streamline the Board process by eliminating the need for individual requests for specified days of service.

DISCUSSION

It is the best practice for the Board to review its policies from time-to-time and to update them accordingly. From time to time, Board Members meet individually with the General Manager to review agenda items for upcoming Board meetings and receive briefings on important District matters. These briefings benefit the District by keeping Board Members informed, facilitating Staff responsiveness to Board Members' questions, and allowing for Board meetings to be conducted more efficiently. Exhibit 1 to the existing Days of Service Policy does not expressly address such meetings, which may involve a significant time commitment by the Board Members. In order to encourage agenda review and similar meetings with the General Manager and/or General Counsel, Staff is proposing that the Board update Exhibit 1 to the current Days of Service Policy to allow Board Members to request compensation as a day of service for up to two such meetings per month. No changes are proposed to the current daily rate of compensation.

Item #13 is proposed to be added to Exhibit 1 as follows:

Service rendered as a Director to attend regularly scheduled in person or teleconference meetings with the General Manager and/or General Counsel to receive individual briefings on Board meeting agenda items and/or other pending District matters, limited to two such meetings per month or as otherwise approved by the Board of Directors.

FISCAL IMPACT

Compensation for meetings per new Item # 13 could be as much as \$600 per month per Director. However, since total compensation per month remains limited to six days of service, the actual fiscal impact to the proposed policy revision is anticipated to be minimal.

STAFF RECOMMENDATION

Staff recommends that the Board of Directors approve Resolution No. 2024-02 adopting a revised policy regarding Board of Directors days of service.

ATTACHMENTS:

1. Proposed Resolution No. 2024-02 Board of Directors Policy Regarding Days of Service

RESOLUTION NO. 2024-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY ADOPTING A REVISED POLICY REGARDING BOARD OF DIRECTOR DAYS OF SERVICE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 6489

WHEREAS, California Health and Safety Code Section 6489 provides for members of the Midway City Sanitary District (“District”) Board of Directors (“Board”) to be compensated for attendance at meetings and for Board requested authorized days of service to the District;

WHEREAS, the Board has determined that there are numerous events for which the Board regularly requests Board member days of service;

WHEREAS, in 2023, the Board adopted an updated Board of Director Policy Regarding Requested Days of Service for the purpose of identifying standard requested authorized days of service for Board Members in order to streamline the Board process by eliminating the need for individual requests for specified days of service; and

WHEREAS, the Board desires to further update said Policy to provide additional transparency and clarity.

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

Section 1: The attached revised policy regarding requested authorized days of service by District Board Members is hereby approved.

Section 2: The provisions of all District Board of Director Policies Regarding Requested Days of Services and amendments thereto previously adopted by the Midway City Sanitary District, along with those provisions of all other policies, resolutions, or actions of the Midway City Sanitary District inconsistent with the attached policy, are hereby superseded.

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 February, 2024.

Mark Nguyen, President

ATTEST:

Andrew Nguyen, Secretary

**MIDWAY CITY SANITARY DISTRICT
BOARD OF DIRECTOR POLICY REGARDING
REQUESTED DAYS OF SERVICE**

A. Purpose

The purpose of this policy is to provide clarification regarding requested days of service for Members of the Board of Directors of the Midway City Sanitary District (“District”) pursuant to California Health and Safety Code Section 6489.

B. Health and Safety Code Section 6489

District Board of Director compensation is governed by Health and Safety Code Section 6489. In accordance with Section 6489(b), the Board of Directors has separately adopted an ordinance establishing the amount of compensation for which a Director is eligible for each day of attendance at meetings of the Board or for each day of service rendered as a Director by request of the Board. The amount of compensation for each day of service rendered by a director at request of the Board of Directors pursuant to this policy, including requested service as President, Secretary, Treasurer, President Pro-Tem or other officer of the Board, shall be at the rate set forth in said ordinance. In accordance with Section 6489(a), daily compensation may not exceed a total of six (6) days in any calendar month, together with any expenses incident thereto.

C. Requested Days of Service

Attached as Exhibit 1 to this policy is a list of the pre-approved Director meetings and/or days of service requested by the Board of Directors for which compensation is authorized pursuant to Section 6489. Nothing in this policy shall preclude the Board of Directors from requesting additional Board Member service at events that would be eligible as a day of service to the District in accordance with Section 6489.

D. Issues Regarding Policy Application

Any issue raised as to whether an activity constitutes a day of service for which compensation is appropriate shall be presented to the Board of Directors for review and determination.

E. Compensation Limitations

In no instance shall a Director be compensated for attendance at more than one (1) authorized event per day. No meeting, event or activity for which compensation is authorized or provided by another agency or entity shall constitute an authorized day of service to the District.

F. Reporting

Each Director who attends an event of any kind authorized as a day of service to the District shall provide a report on such event at the next regular meeting of the Board of Directors.

G. Payment Procedure

In order to request compensation for days of service rendered in any calendar month, a Director shall complete and sign a form prepared by the District's General Manager identifying each meeting, event, or activity qualifying as a day of service rendered by the Director during the month pursuant to this policy. Unless it is otherwise impracticable to do so, payment of requested compensation for days of service rendered in any calendar month shall be processed and made by the first Friday of the following month.

EXHIBIT 1

Meetings/Requested Days of Service

1. Regular, Adjourned Regular, Special and Emergency meetings of District's Board of Directors.
2. District Standing and Ad Hoc Committee Meetings, provided that attendance is as a member or alternate member of the Committee.
3. Meetings of Outside Agency Boards or Committees to which a Director has been designated as a member or alternate member by the Board or the President, if the Director does not receive compensation from the Outside Agency.
4. Training sessions mandated by state or federal law, including but not limited to ethics training and harassment training, and any other relevant training, whether conducted in-person or online.
5. Solid Waste, Sewer or Public Agency Governance Educational meetings, conferences, training, or activities such as, but not limited to, the following: (1) California Association of Sanitation Agencies conferences and activities; (2) Independent Special Districts of Orange County meetings and activities; (3) California Special District Association meetings and activities; (4) Orange County Sanitation District conferences and activities; (5) Local Agency Formation Commission meetings and activities; (6) Municipal Water District of Orange County policy forums; (7) Special District Leadership Foundation conferences; (8) Waste 360 and National Waste and Recycling Association sponsored conferences and events; (8) Special District Risk Management Authority (SDRMA) meetings, conferences, and training activities; and (9) CalRecycle meetings, events, and seminars.
6. District Public Education and Promotional Activities such as the following: (1) Westminster Concerts in the Park (when District promoted); (2) Westminster Family Day; (3) Westminster Safety Day; (4) TET Parade held in Westminster (including attendance at related planning or organizational meetings on behalf of the District); (5) Westminster Founders Day Parade; (6) Westminster City and Chamber of Commerce Events; (7) Solid Waste Franchisee Special Events; (8) District-Sponsored Community Events, including but not limited to community cleanup days, mulch / compost giveaway events, and community and customer open houses and similar events at District facilities; and (9) other District Community Outreach activities and events approved by the Board of Directors.

7. District Employee Morale Activities (such as District-sponsored employee activities or employee commendation events).
8. Meetings with federal, state, regional or county officials regarding legislative or regulatory issues affecting the District and over which the officials have jurisdiction.
9. Organized public meetings or events sponsored by other local or regional governmental agencies and/or public officials (not political fundraisers) at which the Director is representing the District in the Director's official capacity.
10. Participation in governing board activities of organizations furthering District interests (such as the governing board of the California Association of Sanitation Agencies).
11. Meetings with representatives of the Orange County Grand Jury concerning reports relating to or impacting the District.
12. Service rendered as the Treasurer, Secretary, President, President Pro-Tem or other officer of the Board (such as President review of Board meeting agendas with the General Manager, Treasurer/Treasurer Pro-Tem review of District warrants, and Secretary/Secretary Pro-Tem review of Board meeting minutes).
13. Service rendered as a Director to attend regularly scheduled in person or teleconference meetings with the General Manager and/or General Counsel to receive individual briefings on Board meeting agenda items and/or other pending District matters, limited to two such meetings per month or as otherwise approved by the Board of Directors.

AGENDA ITEM #8C

Date: February 6, 2024

To: Board of Directors

From: Robert Housley, General Manager

Prepared by: Robert Housley, General Manager

Subject: Review and Discussion of Board Policy Regarding Board of Director Absences and Attendance at Meetings

BACKGROUND

At its March 17, 2020 regular meeting, the Board of Directors formally adopted Resolution No. 2020-02 establishing a policy regarding Board of Director absences and attendance at meetings. The policy sets forth the Board's expectations concerning the responsibility of Directors with respect to attending meetings, providing notice of anticipated absences, and related matters. The Policy establishes protocols that Directors are expected to follow when they anticipate they will be absent from meetings and/or other duties. The Policy also addresses teleconference meetings and those circumstances when a vacancy occurs in a Director's office pursuant to Government Code section 1770.

DISCUSSION

Per the Board's direction at its January 16, 2024 meeting, attached is the Resolution and Policy regarding Board of Director absences and attendance at meetings for review and discussion.

FISCAL IMPACT

There is no fiscal impact. This item is for review and discussion only.

STAFF RECOMMENDATION

Staff recommends that the Board of Directors review and discuss the policy regarding board of director absences and attendance at meetings and provide staff direction.

ATTACHMENTS:

1. Resolution No. 2020-02
2. Exhibit "A": Midway City Sanitary District Policy Regarding Board of Directors Absences and Attendance at Meetings.

RESOLUTION NO. 2020-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT, OF ORANGE COUNTY, CALIFORNIA, ESTABLISHING A POLICY REGARDING BOARD OF DIRECTOR ABSENCES AND ATTENDANCE AT MEETINGS


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

WHEREAS, the Board of Directors (the "Board") wishes to establish a policy that sets forth the Board's expectations concerning the responsibility of Directors with respect to attending meetings, providing notice of anticipated absences, and related matters.


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

1. The Midway City Sanitary District Policy Regarding Board of Director Absences and Attendance at Meetings attached hereto as Exhibit "A" is hereby adopted.
2. A copy of the Policy shall be made available to the public upon request.
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 17th day of March, 2020.



Chi Charlie Nguyen, President

ATTEST:


Sergio Contreras, Secretary

CERTIFICATION


I, Sergio Contreras, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing Resolution No. 2020-02 was duly adopted at a meeting of the Board of Directors of said District, held on the 17th day of March, 2020, by the following vote of the members of the Board:

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

NOES:

ABSENT:

and I further certify that Chi Charlie Nguyen, as President, and Sergio Contreras, as Secretary, signed and approved said Resolution on the 17th day of March, 2020.




Sergio Contreras, Secretary

(District Seal)

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Sergio Contreras, Secretary of Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2020-02 passed and adopted by the Board of Directors of said District at a meeting thereof held on the 17th day of March, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District on the 17th day of March, 2020.



Sergio Contreras, Secretary

(District

Seal)

EXHIBIT "A"

**MIDWAY CITY SANITARY DISTRICT POLICY REGARDING BOARD OF DIRECTOR
ABENSCES AND ATTENDANCE AT MEETINGS**

MIDWAY CITY SANITARY DISTRICT POLICY REGARDING BOARD OF DIRECTOR ABSENCES AND ATTENDANCE AT MEETINGS

A. Purpose

The purpose of this policy is to set forth the expectations of the Board of Directors concerning the responsibility of Directors with respect to attending meetings, providing notice of anticipated absences, and related matters.

B. Attendance at Board Meetings

It is the responsibility of Directors to make every effort to attend meetings. Unless there is good cause for absence, each Director is expected to attend all regular and special meetings of the Board. In those instances where a Director will be unable to attend a scheduled Board meeting, the Director should notify the Board, through the General Manager, as soon as the Director reasonably anticipates that he/she will not be able to attend and the reason for the absence. Unless it is not reasonably practicable to do so, the Director should provide at least 24 hours advance notice of an anticipated absence.

If the General Manager receives advance notice from a Director that he/she will be absent from a scheduled Board meeting, the General Manager shall advise the Board of the Director's absence and the reason given for the absence. The Director's absence and the reason given shall be noted in the minutes of the meeting, provided, however, that specific details of any medical condition or other information in which the Director has a reasonable expectation of privacy shall not be stated, unless the Director expressly authorizes such information to be publicly disclosed. If the Director has provided advance notice of absence from a regular or special meeting of the Board of Directors, the absence shall be deemed an excused absence, unless the Board determines that the reason given for the absence does not constitute good cause.

C. Attendance at Other Meetings

Unless there is good cause for absence, each Director is expected to attend all meetings of Board subcommittees to which the Director has been appointed and all meetings of other agencies or organizations to which a Director has been appointed as the District's representative. In those instances where a Director will be unable to attend a scheduled meeting of a Board subcommittee or other agency or organization in which the Director is the District's appointed representative, the Director should notify the Board, through the General Manager, as soon as the Director reasonably anticipates that he/she will not be able to attend and the reason for the absence. Unless it is not reasonably practicable to do so, the Director should provide at least 72 hours advance notice of an anticipated absence in order to provide sufficient time to arrange for the appointed Board alternate to attend.

If the General Manager receives advance notice from a Director that he/she will be absent from a scheduled meeting of a Board subcommittee or other agency or organization in which the Director is the District's appointed representative, the General Manager shall promptly notify the alternate of the Director's anticipated absence so that the alternate may arrange to attend in the Director's place and obtain the pertinent agenda materials.

D. Use of Teleconference Meetings for Board and Subcommittee Meetings

A Director may participate in any meeting of the Board of Directors or a standing committee of the Board of Directors by teleconference in accordance with subsection 54953(b) of the Government Code when the Director is unable to attend in person. Unless otherwise authorized by the Board, a Director may exercise this option no more than twice in a calendar year.

A Director who wishes to participate in a Board meeting via teleconference shall notify the General Manager at least five (5) days in advance of the meeting in question so that arrangements can be made. The location of the teleconference must be noted on the agenda and open to the public, and the agenda shall be posted at this location.

When a Director is participating by teleconference, vote will be by roll call only.

The Director participating by teleconference, along with any members of the public present at the teleconference location, must be able to hear the comments of and speak to all those present at the meeting, and all those present at the meeting must be able to hear the comments of and speak to such absent Director contemporaneously. In the event it is determined by the President or acting chairperson that either the absent Director cannot be heard by those present at the meeting or those present at the meeting cannot be heard by the absent Director, the teleconference shall be terminated, and the absent Director shall not be permitted to vote.

A meeting of the Board of Directors may not be chaired by teleconference. In accordance with State law, during the teleconference, at least a quorum of the members of the Board shall participate from locations within the boundaries of the District.

The foregoing policy is intended to implement and be consistent with the provisions of the Ralph M. Brown Act and Government Code section 54953(b). In the event there is an inconsistency or conflict between this policy and State law, it is the intent of the Board that the policy be interpreted and implemented in a manner consistent with State law. To the extent authorized by State law, the Board may waive the provisions of this policy on a case by case basis.

E. Prolonged Absences

Whenever a Director reasonably anticipates that he/she will be absent from the State for a prolonged period of time or will not be able to attend meetings or regularly and diligently discharge the duties of his/her office due to injury, illness, or other cause for more than 30 consecutive days, the Director shall notify the Board, through the General Manager, of the length of the anticipated absence and the general reasons for or circumstances of the absence. Directors shall have an ongoing duty to keep the Board and General Manager informed of any changes to the circumstances or anticipated length of any prolonged absence. If, due to prolonged absence, a Director's reasonably anticipated compensation from the District will be insufficient to pay his/her portion of the cost of any health or welfare benefit that would otherwise be paid via an authorized payroll withholding, the Director shall be responsible for taking all actions necessary to ensure continuation of coverage, including, but not limited to, making arrangements with the District for the direct payment by the Director of such cost.

F. Vacation of Office

Pursuant to Section 1770 of the California Government Code, a vacancy on the Board shall occur if any Director ceases to discharge the duties of his or her office for the period of three (3) consecutive months, except as prevented by sickness, or when absent from the state with the permission required by law. In addition, a vacancy also occurs before the expiration of a Director's term in the event of any reason stated by applicable law, including but not limited to any of the following:

1. The death, or adjudicated physical or mental incapacity, of the incumbent.
2. Resignation or removal from office.
3. Ceasing to be an inhabitant of the District.
4. A conviction of a felony or any offense involving a violation of the his or official duties.
5. Refusal or neglect to file the required oath or bond within the time prescribed.
6. The decision of a competent tribunal declaring his or her election or appointment void.

AGENDA ITEM #8D

Date: February 6, 2024

To: Board of Directors

From: James H. Eggart, General Counsel

Subject: Appointment of Labor Negotiator(s) For Purposes of Conducting Labor Negotiations with General Manager

BACKGROUND

On March 8, 2023, the Board of Directors approved an Employment Agreement with General Manager Robert Housley. In accordance with Section 4 of the Agreement, a closed session item for conduct of a performance evaluation of the General Manager has been placed on the February 6, 2024 meeting Agenda (Item 13.B). In anticipation that the Board may potentially wish to discuss changes to the General Manager’s salary or compensation, a closed session item for conference with the District’s labor negotiator(s) has also been placed on the February 6, 2024 meeting Agenda (Item 13.C). Pursuant to the Employment Agreement, any increases to the General Manager’s salary or benefits are at the sole discretion of the Board.

DISCUSSION

Government Code Section 54957.6 authorizes the Board of Directors to convene in closed session with its designated representative(s) regarding the salary and compensation of unrepresented employees such as the General Manager. Closed sessions authorized by Government Code Section 54957.6 are for the limited purpose of allowing the Board to review its position and to give instructions to the Board’s designated labor negotiator(s). To do so, however, the Board must place the appointment of a labor negotiator on the open and public session of the agenda and select a labor negotiator(s) prior to convening in closed session to review its position and prior to giving instruction to its designated representative(s). In the past, the Board has appointed the District’s General Counsel and one or more members of the Board to serve as negotiators regarding the general manager position. Under the Brown Act, the Board must take “final action” on proposed compensation concerning employment of an interim general manager in open session after meeting and conferring with the Board’s designated labor representative(s).

FISCAL IMPACT

None

RECOMMENDATION

Pursuant to Government Code Section 54957.6, appoint General Counsel Eggart and/or one or more members of the Board of Directors to serve as the Board’s designated representative(s) for purposes of conducting labor negotiations with the General Manager, an unrepresented employee.