

**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**

May 21, 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, May 21, 2024 at 5:31 P.M.

BOARD MEMBERS PRESENT:

Mark Nguyen
Tyler Diep
Chi Charlie Nguyen
Andrew Nguyen

STAFF MEMBERS PRESENT:

Ashley Davies, Acting General Manager
Milo Ebrahimi, District Engineer, P.E
Cynthia Olsder, Executive/Board Secretary

BOARD MEMBERS ABSENT:

Sergio Contreras

OTHERS PRESENT:

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

PLEDGE OF ALLEGIANCE AND INVOCATION:

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

PUBLIC COMMENTS:

None.

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING ON APRIL 11, 2024, THE
REGULAR MEETING ON APRIL 16, 2024, AND THE SPECIAL MEETING ON APRIL 30, 2024**

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve the minutes of the special meeting on April 11, the regular meeting on April 16, 2024, and the special meeting on April 30, 2024. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

REPORTS:

Report of President

None.

Report of the Acting General Manager

Acting GM A. Davies provided updates on events occurring at the District. She reported that all drivers had a great chance to receive a refresher during this year's biennial driver safety training session last weekend. In addition, she gave an update on SB1383, the customer satisfaction survey, and the District's future outreach events.

Report of Radio Outreach with Me Vietnam on April 12, 2024

Director A. Nguyen and Director C. Nguyen invited CR&R to attend the meeting with them. Together they discussed SB1383, current and future outreach opportunities.

Report of Radio Outreach with VietLink on April 18, 2024

President M. Nguyen and Director S. Contreras attended the meeting to discuss current and future outreach opportunities with CR&R staff.

Report of Westminster Earth Day Event on April 20, 2024

Staff attended the event and reported that it was a great opportunity to engage with the community.

Report of District Employee Luncheon on April 24, 2024

President M. Nguyen and Director S. Contreras attended the meeting to discuss SB1383, current and future outreach opportunities.

Report of OC San District Board of Directors Meeting on April 24, 2024

Director A. Nguyen reported that he attended the meeting and gave an update on the most recent OC San news. He reminded the Board that OC San will be having a Ribbon Cutting Event on May 22, 2024.

Report of ISDOC Quarterly Luncheon Meeting on April 25, 2024

Director S. Contreras and Director A. Nguyen attended the event and shared that it was well-attended and an excellent opportunity to reconnect with peers and community.

Report of District Community Workshop on April 27, 2024

President M. Nguyen and Director A. Nguyen attended the event and stated that we should look for other approaches to engage the community.

Report of Westminster Black April Remembrance Ceremony on April 30, 2024

President M. Nguyen, Director A. Nguyen, and Director C. Nguyen attended the event and said that it was a good turnout despite the event's length. Director C. Nguyen expressed gratitude to the Board for supporting this event.

Report of WasteExpo Conference on May 7-9, 2024

President M. Nguyen, Director C. Nguyen and Director A. Nguyen attended the conference and they all agreed that it was a great opportunity to see all the newest technology associated with the waste sector.

Report of Radio Outreach with Radio Bolsa on May 14, 2024

Director 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 with VNCR on May 16, 2024

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

CONSENT CALENDAR:

- A. Receive and File the Register of Demands in the Amount of \$3,395,407.45
- B. Approve and File the Treasurer's Investment Report for April 2024
- C. Received and File the 3rd Quarter 2023-2024 Fiscal Year Financial and Budget Reports
- D. Approve the May 1, 2024 Outreach Committee Recommendations
- E. Receive and File the Engineer Report for March 2024
- F. Declare Four Class C Vehicles, One Sewer Vactor Truck, and Three Other Pieces of Equipment to be Surplus Property and Authorize the General Manager to Dispose of said Vehicles and Equipment Pursuant to the Methods Set Fourth in the District's Purchasing Policy and Procedures
- G. Approve the April 10, 2024 Franchise Committee Report

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

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

OLD BUSINESS:

None.

NEW BUSINESS:

- A. Discuss and Consider the Ballots for Orange County LAFCO Regular Special District Member Seat

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director T. Diep, to direct staff to prepare the ballot and vote for James R. Fislser for Orange County LAFCO regular special district member seat. The motion was approved by the following 4-0 vote:

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

B. RESOLUTION 2024-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY (1) RATIFYING AND AUTHORIZING CONTINUED EMERGENCY ACTION FOR THE REPAIR, REPLACEMENT, AND LINING OF DAMAGED SEWER LINES, REMOVAL AND REPLACEMENT OF A MANHOLE, AND RELATED STREET REPAIRS IN WEBBER PLACE BETWEEN MANHOLE 2006 AND MANHOLE 2005 AND IN PEMBROOK LANE BETWEEN MANHOLE 2006 AND MANHOLE 2019; (2) RATIFYING AN AGREEMENT WITH PAULUS ENGINEERING, INC. AND RELATED CHANGE ORDER FOR A PORTION OF THE WORK; (3) APPROVING AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH PERFORMANCE PIPELINE TECHNOLOGIES, INC. FOR A PORTION OF THE WORK; AND (4) FINDING THAT THE PROJECT IS STATUTORILY EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to adopt Resolution No. 2024-10 as presented at the meeting. The motion was approved by the following 4-0 roll call vote:

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

C. Consider Approval of a Professional Service Agreement with AKM Consulting Engineers for Preparation of Plans and Specifications for Construction of Manholes Upstream and Downstream of the Inverted Siphon at Westminster Boulevard and Springdale Street

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director C. Nguyen, to (1) approve waiving the formal procurement requirements for professional services and authorize a negotiated procurement (2) approve the proposed professional service agreement between the District and AKM Consulting Engineers (3) approve and authorize the General Manager to make minor changes to the Agreement as needed and to execute the Agreement on behalf of the District (4) and to approve and authorize the General Manager to approve services or work costing up to \$15,000 more than the estimated maximum contract amount of \$119,164 pursuant to Section 3.1 of the Agreement, if necessary. The motion was approved by the following 4-0 vote:

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

D. Discussion of Election Information for the November 5, 2024 General Election and Transmittal of Election Information Special District

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director T. Diep, seconded by Director A. Nguyen, to approve the use of 200 words in the Candidate’s Statement of Qualifications and that the cost be borne by the candidate, not the District. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

INFORMATIONAL ITEMS:

- A. Special District Risk Management Authority (SDRMA) Board of Directors
- B. Final OC LAFCO FY 2024-25 Budget
- C. CalOES Letter of Support for Microgrid Project
- D. California Special Districts Association (CSDA) 2024 Climate Resilience Bond Priorities
- E. Support Request –Special District Grant Accessibility Act (H.R. 7525)

Received and File.

BOARD CONCERNS AND COMMENTS:

None.

ACTING GM/STAFF CONCERNS AND COMMENT:

None.

GENERAL COUNSEL CONCERNS AND COMMENTS:

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 handled by the District’s outside counsel.

With the consent of the full Board, General Counsel, J. Eggart convened the meeting to closed session at 5:59 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 6:08 P.M.

President M. Nguyen reported that the Board had met in closed session as identified on Agenda Item 13A, and that no reportable action had been taken.

ADJOURNMENT:

President M. Nguyen adjourned the meeting at 6:08 P.M. to the next Board Meeting to be held at the District on Tuesday, June 4, 2024, at 5:30 P.M.



Andrew Nguyen, Secretary