

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

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

June 15, 2021

CALL TO ORDER

President A. Nguyen called the regular in-person hybrid/teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, June 15, 2021 at 5:33 P.M.

BOARD MEMBERS PRESENT:

Margie L. Rice (absent)
Tyler Diep
Sergio Contreras
Chi Charlie Nguyen (arrived @ 5:36PM)
Andrew Nguyen

OTHERS AT MEETING:

Kenneth Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Board Secretary
Chip Monaco, CR&R
Gregory Karapoulios, CR&R

PLEDGE AND INVOCATION

GM K. Robbins led the Pledge of Allegiance. Director T. Diep gave the Invocation.

PUBLIC COMMENTS

None

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF JUNE 1, 2021
(Roll Call Vote)**

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the minutes of the special meeting of June 1, 2021. The motion was approved by the following 3-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen, M. Rice

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JUNE 1, 2021
(Roll Call Vote)**

A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the minutes of the regular meeting of June 1, 2021. The motion was approved by the following 3-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen, M. Rice

Director C. Nguyen arrived at the meeting at 5:36 PM.

APPROVAL OF EXPENDITURES

A. Demands in the amount of 166,651.49 **(Roll Call Vote)**

#	CK #	Date	AMOUNT	VENDOR	
1				CHECKS:	MEMO
2	12811	6/2	\$ 560.00	Ayala's Car Wash	Fleet vehicle wash 5/25
3	12812	6/2	\$ 1,174.17	Bodyworks Equipment, Inc	Replacement hydraulic cylinders for NG-7 & NG-10
4	12813	6/2	\$ 263.28	Cintas	Employee uniform services for 5/27
5	12814	6/2	\$ 682.00	Daniel's Tire Service	Restock recap tires Solid Waste
6	12815	6/2	\$ 1,574.21	Driveshaftpro	Replacement for NG-5 Driveline/parts For NG6
7	12816	6/2	\$ 804.23	Merchants Building Maintenance, LLC	Monthly Janitorial Service June
8	12817	6/2	\$ 105.31	Petty Cash	June office supplies
9	12818	6/2	\$ 1,305.00	Reliable Monitoring Services	Calibration & Testing of Gas Detection System at District
10	12819	6/2	\$ 12,250.00	Rutan & Tucker	Legal Services March-2021 and Legal Services April-2021
11	12820	6/2	\$ 2,231.66	Safety-Kleen Systems	Restock transmission oil for Refuse Trucks
12	12821	6/3	\$ 1,601.93	HB Staffing	05/24/21-05/30/21 for Daveta Kelley-Bishop
13	12822	6/3	\$ 7,361.52	TEC of California, Inc	Replacement parts for Solid Waste trucks

14	12823	6/8	\$ 225.00	Ayala's Car Wash	Fleet vehicle wash 06/01
15	12824	6/8	\$ 4,038.69	Bodyworks Equipment, Inc	Restock packer paddle kits for Solid Waste trucks
16	12825	6/8	\$ 263.28	Cintas	Employee uniform services for 06/04
17	12826	6/8	\$ 1,136.00	CRC Cloud	Firewall Security yrly renewal/Maint/Support May2021
18	12827	6/8	\$ 4,007.75	Cummins Sales and Services	Restock spark plugs, coils/housing breather Solid Waste trucks
19	12828	6/8	\$ 122.48	Hillco Fastener Warehouse Inc	Restock lock nuts and bolts for Solid Waste trucks
20	12829	6/8	\$ 4,380.00	PumpMan, LLC	Troubleshoot Sewage Pump # 1 System
21	12830	6/8	\$ 594.15	SoCal Auto & Truck Parts, Inc. (Nappa)	Tool for Shop use
22	12831	6/8	\$ 502.55	Staples Business Credit	Restock Office Supplies May 2021
23	12832	6/8	\$ 948.53	Tell Steel	Restock flooring material for Solid Waste trucks
24	12833	6/8	\$ 112.93	TrucPar Company	Restock for paint for Shop use
25	12834	6/8	\$ 4,029.00	Zhao, Gul and Jun	OCSF Fee & Permits refund for collection fees Permit #6773
26	12835	6/8	\$ 94.50	Advanced Gas Products	DOT Random Drug Testing
27	12836	6/8	\$ 560.00	Ayala's Car Wash	Fleet vehicle wash 07/06
28	12837	6/8	\$ 36.79	City of Westminster-Water Billing	Westminster/Lift Stations 03/31/21-05/25/21
29	12838	6/8	\$ 175.00	Country City Towing, Inc.	Tow Solid Waste truck
30	12839	6/8	\$ 771.99	Dartco Transmission Sales & Srvs.	Restock transmission filters for Refuse Trucks
31	12840	6/8	\$ 103.31	DTNtech	(1000) Window envelope
32	12841	6/8	\$ 400.00	MemorialCare	DMV Physical for CDL
33	12842	6/8	\$ 1,795.50	Orange County Sanitation District	Permit Fees MAY-2021
34	12843	6/8	\$ 1,600.00	Radio Bolsa Corp	(4) 20 Minute Talkshows on KVNR-AM 1480
35	12844	6/8	\$ 29.80	Underground Service Alert	(12) New Tickets for May-2021 & Monthly Fee
36	12845	6/8	\$ 2,750.00	Viet-Nam California Radio	Talkshow: 15 minutes/time total (5) Runs 05/13/21-06/13/21
37	12846	6/8	\$ 1,112.72	Wex Bank (Chevron) - VOIDED CHECK	VOID Check - Paid electronically
38	12847	6/8	\$ 6,171.40	US Bank Corporate	District Credit Cards
53					
54			\$ 65,874.68	CHECKS SUBTOTAL	
55					
56	ACH	6/1	\$ 70,308.01	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
57	ACH	6/4	\$ 7,714.53	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
62			\$ 78,022.54	ACH TRANSFERS SUBTOTAL	
63					
64				ACH PAYMENTS	
63	ACH	6/1	\$ 176.80	Paychex	Paychex Flex Time - Mobile module
64	ACH	5/28	\$ 4,534.19	Nationwide Retirement Solutions	457 Deferred Compensation (100% paid by employees)
65	ACH	5/28	\$ 835.00	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
66	ACH	5/28	\$ 790.69	Nationwide Retirement Solutions	457 Roth (100% paid by employees)
67	ACH	6/9	\$ 1,112.72	Wex Bank (Chevron)	Fuel Credit Card for June 2021
68	ACH	6/1	\$ 15,304.87	CalPERS	Retirement Contributions for 05/17/21-05/30/21
69					
70					
71			\$ 22,754.27	ACH TRANSFERS SUBTOTAL	
72					
73			\$ 166,651.49	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
74					
75				BANK TRANSFERS	
76	UB	5/28	\$ 1,000,000.00	Transfer Funds from UB Checking Account to LAIF	
77	UB	5/28	\$ 1,300,000.00	Transfer Funds from UB Money Market to UB Checking Account	

A motion was made by President A. Nguyen, seconded by Director S. Contreras to approve the expenditures in the amount of \$ 166,651.49. The motion was approved by the following 3-0-1 roll call vote:

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

NAYS:

ABSTAIN: T. Diep

ABSENT: M. Rice

REPORTS

Report of President

None

Report of General Manager

GM K. Robbins reported NG-9 was towed because the engine piston is cracked and will need to be repaired by TEC at a cost of approximately \$12,000. He stated that this is common with CNG engines due to the heat they produce.

GM K. Robbins reminded the Board of the staff appreciation luncheon on Wednesday, June 16 at noon.

GM K. Robbins reminded the Board of the clean-up event at Cloverdale Park on Saturday, June 19, 2021.

GM K. Robbins reported that the Directors going to the Waste Expo (Directors A. Nguyen, C. Nguyen and M. Rice) should be receiving emails regarding check-in next week.

GM K. Robbins stated that SB 1383 regarding mandatory organics recycling would be strictly adhered to starting in January 2022 and that General Counsel J. Eggart was working with the City to clarify each entity's responsibility.

Report from the Orange County Sanitation District Meeting on June 9, 2021

President A. Nguyen reported that there was a budget update, with the annual budget at \$656.5 million, coming mostly from taxes, sewer fees and property taxes.

Report from the Franchise Committee Meeting on June 10, 2021

Directors C. Nguyen and S. Contreras attended the meeting with CR&R, which they both felt was very productive.

Director C. Nguyen reported that they talked about the problems CR&R is having right now with vaccinated drivers calling out sick and being lured away by delivery companies. CR&R will come out with a message via mailer in 3 languages to their customers within the District to make them aware of the problem, that it is temporary and that they are working on it. Director C. Nguyen already received the message and translated it into Vietnamese for the District.

Director S. Contreras, who sat in for Director M. Rice, stated that he appreciated the candid conversation and felt that there was now a clear understanding of what is at stake on both sides. He stated that it was a solution-oriented meeting, and he will be translating the message into Spanish for the District's purposes.

CONSENT CALENDAR

- A. Approve and File the Treasurer's Investment Report for May 2021
- B. Approve the May 2021 Financial Reports and Budget Review for the Period of July 1, 2020 through May 31, 2021
- C. Approve Fiscal Year 2020-2021 Budget Adjustments No. 2

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

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

OLD BUSINESS

None

NEW BUSINESS

- A. Discussion and Potential Action Regarding Service Being Provided by CR&R Pursuant to Exclusive Franchise Agreement **(Roll Call Vote)**

GM K. Robbins stated that he felt that the District dodged a bullet because it also had this issue when the drivers were being vaccinated but that the District's drivers only called out for a day or two whereas the CR&R drivers are calling out sick for a week at a time.

Chip Monaco of CR&R spoke to the Board, and apologized for the service problems discussed at the Franchise Committee meeting. He stated that CR&R drivers are being lured away by delivery companies like FedEx and Amazon and that the vaccinations are affecting everyone, but that CR&R has seen nothing like this in the 60 years they have been in business. CR&R is working diligently to send a message out to the commercial residents of the District to explain the situation and hopes that the problems can be resolved soon.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director T. Diep, seconded by Director C. Nguyen, to take no action, but have the Franchise Committee meet again sometime in July to

check the status of CR&R commercial service within the District. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: M. Rice

B. Approval of New Supervisory Control and Data Acquisition (SCADA) for Monitoring and Control of the Four (4) Lift Stations at District Headquarters
(Roll Call Vote)

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director T. Diep, seconded by Director S. Contreras, to approve the new supervisory control and data acquisition (SCADA) for monitoring and control of the four lift stations at District headquarters, and to authorize the General Manager to enter into and execute an agreement with Tesco Controls, as recommended by staff. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: M. Rice

C. Consider Approval of Employee 15-Year Safety Award for MCSD Sewer Maintenance Worker, Cody Ranslem
(Roll Call Vote)

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director C. Nguyen, to approve the employee 15-year safety award for MCSD sewer maintenance worker, Cody Ranslem. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: M. Rice

INFORMATIONAL ITEMS

A. CSDA Advocacy News - \$100 Million Special District COVID-19 Relief Fund Included in Legislative Version of 2021-22 State Budget

Receive and file.

BOARD CONCERNS/COMMENTS

Director C. Nguyen thanked the Board for allowing the Franchise Committee to work with CR&R because he feels that the District's reputation is on the line and the results of the meeting were very positive.

Director S. Contreras reiterated Director C. Nguyen's comments regarding CR&R and stated that he appreciated being a part of that meeting. He stated that the District would have an opportunity to have some kind of groundbreaking event prior to the District's remodel which could be used as an educational opportunity and that he would like the opportunity to discuss this with the rest of the Board. Director S. Contreras acknowledged and commended President A. Nguyen's leadership during the pandemic and the way he handled everyone on the phone during meetings.

President A. Nguyen thanked Director S. Contreras for his comments.

Director T. Diep stated that he liked the idea of an outdoor cultural outreach event prior to the District's remodel and would like to discuss it further because it will be a good opportunity.

GM/STAFF CONCERNS/COMMENT

GM K. Robbins stated that he would have an item on the next agenda for the Board to discuss regarding an outdoor event for the District's groundbreaking.

GM K. Robbins stated that the Waste Expo travel packets were ready for the Directors who were attending.

GM K. Robbins stated that timing is of the essence to discuss SB1383 and that it would be a good time for Directors T. Diep and S. Contreras to do a radio show in the next few weeks since they were not attending the Waste Expo.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel J. Eggart stated that he has been in contact with the Westminster City Attorney to develop some sort of collaborative agreement regarding the obligations that the District and the City have under SB 1383 (the new solid waste ordinance) and in order to avoid duplication. The District will need the City's assistance with enforcement it because the District does not have that ability.

General Counsel J. Eggart convened the meeting to a closed session at 6:19 P.M. to discuss the items identified on the agenda as Item 14A, 14B and 14C and noted that the District's designated representatives for labor negotiations are listed on the agenda.

CLOSED EXECUTIVE SESSION

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

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

A. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6) Agency Designated Representatives: General Manager Robbins, Finance Director 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 Representative: President Andrew Nguyen, President Pro-Tem Charlie Nguyen and General Counsel James Eggart
Unrepresented Employee: General Manager

President A. Nguyen reconvened the meeting at 7:46 P.M.

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

ADJOURNMENT

President A. Nguyen adjourned the meeting to Tuesday, July 6, 2021 at 5:30 P.M. at the District office at approximately 7:47 P.M.

Sergio Contreras
Sergio Contreras, Secretary