

**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**

December 5, 2023

CALL TO ORDER

President T. Diep called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Street, Westminster, California on Tuesday, December 5, 2023 at 5:31 PM.

BOARD MEMBERS PRESENT:

Tyler Diep
Chi Charlie Nguyen
Andrew Nguyen
Sergio Contreras
Mark Nguyen

STAFF MEMBERS PRESENT:

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

OTHER MEMBERS PRESENT:

James H. Eggart, General Counsel, Woodruff & Smart
Mike Carey, CR&R
Gabriel Angulo, CR&R

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON NOVEMBER 21, 2023

A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve the minutes of the Regular Meeting on November 21, 2023. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$118,842.19

	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	15138	11/17	480.04	AT&T Mobility (First Net)	October 2023
2	15139	11/17	770.00	Ayala's Car Wash	Fleet Wash
3	15140	11/17	2,069.42	Betts Truck Parts & Service	NG-10 walking beam Qwik-Fit Composite Fitting (35)
4	15141	11/17	30.00	City of Westminster FARP	Acct # 1755 Alarm permit registration
5	15142	11/17	2,533.25	CRC Cloud	Maintenance & Support Nov-2023 ASUS 27" QHD Video Conference Monitor
6	15143	11/17	534.82	Grainger	Padlock Handle (2)
7	15144	11/17	84.81	Hillco Fastener Warehouse Inc.	Washers (15) Bolts (10) Locknuts (10)
8	15145	11/17	562.56	Konecranes, Inc.	Crane inspection Nov-2023 Shop
9	15146	11/17	203.00	MemorialCare Medical Foundation	Visit for R. Martinez 09/12/2022
10	15147	11/17	112.50	Orange County Sanitation District	Lead Worker Training
11	15148	11/17	200.85	Pitney Bowes/Purchase Power	Postage October-2023
12	15149	11/17	41.53	SoCalGas	Maint. Shop & Wash Rack - Nov 2023
13	15150	11/17	1,349.00	Spectrum Enterprise (Time Warner Cable)	Nov-2023
14	15151	11/17	978.48	Tesco Controls, Inc.	SCADA Hydro Ranger Service 10/31/2023
15	15152	11/17	651.66	UniFirst Corporation	November - 2023
16	15153	11/17	10,067.70	Woodruff & Smart	Legal Services Oct-2023
17	15154	11/17	0.00	Woodruff & Smart	Void
18			\$ 20,669.62	ACH TRANSFERS SUBTOTAL	
19					
20				PAYROLL:	MEMO
21		11/15	\$ 92,020.60	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
22		11/15	\$ 5,678.74	Nationwide	457 Deferred Compensation (Employees)
23			\$ 97,699.34	PAYROLL SUBTOTAL	
24					
25				ACH PAYMENTS:	MEMO
26		11/20	\$ 389.23	Paychex	Time & Attendance
27		11/24	\$ 84.00	WEX Health Inc	Monthly HRA Admin Fee
28			\$ 473.23	ACH TRANSFERS SUBTOTAL	
29					
30			\$ 118,842.19	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	
31					
32				BANK TRANSFERS:	
33					
34			\$ -	BANK TRANSFERS	

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve the expenditures in the amount of \$118,842.19. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

REPORTS

Report of President:

None

Report of General Manager

General Manager R. Housley reported that the building and solar project are moving forward according to schedule. He also reported that the first phase manhole spraying project is completed, and phase two will start early next year.

General Manager R. Housley reported that the request for proposals (RFP) for the sewer system CCTV video inspection and cleaning project will close on Thursday, December 7, 2023. He concluded by reporting that the accounting position has been filled.

Report of Director of Services & Program Development

Director of Services & Program Development, Ashley Davies reported that the calendars have been printed and will be mailed out as soon as they are available. Additionally, she presented the Directors with a 12-month outreach schedule.

Report of CR&R Quarterly Reports

G. Angulo from CR&R reported the average residential diversion in the third quarter of 2023 was 54.77%, the average commercial diversion was 35.27%, and the average multifamily diversion was 38.05% for Midway City Sanitary District. In addition, he provided a compliance report for both Midway City and Westminster.

Report of District Employee Luncheon on November 29, 2023

President T. Diep reported that he attended the event with Director M. Nguyen, Director A. Nguyen and Director S. Contreras to recognize a few exceptional employees.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

A. A RESOLUTION NO. 2023-20 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ESTABLISHING A SPONSORSHIP POLICY

A staff report and recommendation were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to adopt Resolution No. 2023-20, establishing a sponsorship policy. The motion was approved by the following 5-0 roll call vote:

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

- B. Consider Approval of an Award of a Three-year Agreement to DTN Tech to Design, Print, and Mail the 2025, 2026, and 2027 Midway City Sanitary District Annual Calendar in an Amount of Up to \$135,753.67, Plus Any Increases to Postal Service Fees That May Occur After Board Approval

A staff report and recommendation were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve award of a three-year agreement to DTN Tech to design, print and mail the 2025, 2026, and 2027 Midway City Sanitary District annual calendars and authorize the General Manager to negotiate and enter into and execute an Agreement with DNT Tech on behalf of the District, in a form approved by General Counsel, in an amount up to \$135,753.67, plus any increases to postal service fees that may occur after Board approval. The motion was approved by the following 5-0 vote:

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

- C. Consider the Annual Board Reorganization, Including Election of Officers, Board Committee Appointments, and Appointments to Outside Boards and Committees

President T. Diep stated that General Counsel J. Eggart would handle the conduct of the meeting for a few minutes while the Board elected a new President.

General Counsel J. Eggart opened the floor for nominations for the office of President.

Director T. Diep nominated Director M. Nguyen for the office of President.

General Counsel J. Eggart asked if there were any other nominations for the position of President of the Board.

Hearing none, General Counsel J. Eggart closed the nominations and asked the recording secretary to take a roll call vote. The election of Director M. Nguyen to the office of President was approved by the following 5-0 roll call vote:

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

Newly elected President M. Nguyen asked General Counsel to handle the conduct of the meeting for the purpose of electing and appointing the rest of the Board positions.

General Counsel J. Eggart opened the floor for nominations for the office of President Pro-Tem.

Director A. Nguyen nominated Director C. Nguyen for the office of President Pro-Tem.

General Counsel J. Eggart asked if there were any other nominations for the position of President Pro-Tem.

Hearing none, General Counsel J. Eggart closed the nominations and asked the recording secretary to take a roll call vote. The election of Director C. Nguyen to the office of President Pro-Tem was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart opened the floor for nominations for the office of Secretary.

President M. Nguyen nominated S. Contreras for the office of Secretary. S. Contreras declined the nomination.

Director T. Diep nominated A. Nguyen for the office of Secretary.

General Counsel J. Eggart asked if there were any other nominations for the position of Secretary.

Director S. Contreras nominated Director T. Diep for the office of Secretary.

General Counsel J. Eggart asked if there were any other nominations for the position of Secretary.

Hearing none, General Counsel J. Eggart closed the nominations and asked the recording secretary to take a roll call vote on the first nomination of Director A. Nguyen. The election of Director A. Nguyen to the office of Secretary was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart stated that since A. Nguyen had been elected by unanimous vote, there was no need to vote on the second nomination for the position of Secretary.

General Counsel J. Eggart opened the floor for nominations for the office of Treasurer.

Director S. Contreras nominated himself for the office of Treasurer.

General Counsel J. Eggart asked if there were any other nominations for the position of Treasurer.

Hearing none, General Counsel J. Eggart closed the nominations and asked the recording secretary to take a roll call vote. The election of Director S. Contreras to the office of Treasurer was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart noted that Director T. Diep was the only Director who had not yet been elected to an office and asked the Board if there were any objections to the appointment of Director T. Diep to the office of Secretary / Treasurer Pro-Tem by acclimation.

Hearing no objections, General Counsel J. Eggart stated that Director T. Diep had been elected to the office of Secretary / Treasurer Pro-Tem by acclimation.

General Counsel J. Eggart stated that the Orange County Sanitation District Representative and Alternate Representative are appointed by the President and asked President M. Nguyen to make the appointments.

President M. Nguyen appointed Director A. Nguyen to serve as the District's Representative to Orange County Sanitation District.

President M. Nguyen appointed Director T. Diep as the Alternate Representative to Orange County Sanitation District.

General Counsel J. Eggart stated that the full Board would continue as the representatives to Independent Special Districts of Orange County (ISDOC), the Westminster Chamber of Commerce, and the Budget and Audit Committees, so no action was necessary.

General Counsel J. Eggart opened the floor for nominations for the Calendar Committee of the Board.

Director A. Nguyen nominated Director T. Diep and Director S. Contreras to serve on the Calendar Committee.

General Counsel J. Eggart asked if there were any other nominations to the Calendar Committee.

Hearing none, General Counsel J. Eggart closed the nominations and asked the recording secretary to take a roll call vote. The appointment of Director T. Diep and Director S. Contreras to the Calendar Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart opened the floor for nominations For Alternate to the Calendar Committee.

President M. Nguyen nominated himself as an Alternate to the Calendar Committee.

General Counsel J. Eggart asked if there were any other nominations for the position of Alternate to the Calendar Committee.

Hearing none, General Counsel J. Eggart closed the nominations and asked the recording secretary to take a roll call vote. The appointment of President M. Nguyen as an Alternate to the Calendar Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart stated that the full Board would continue to act for the Negotiating Committee of the Board.

General Counsel J. Eggart opened the floor for nominations for the Franchise Agreement Committee of the Board.

Director S. Contreras nominated Director C. Nguyen and Director T. Diep to the Franchise Agreement Committee.

General Counsel J. Eggart asked if there were any other nominations for the Franchise Agreement Committee.

Hearing none, General Counsel J. Eggart closed the nominations and asked the recording secretary to take a roll call vote. The appointment of Director C. Nguyen and Director T. Diep to the Franchise Agreement Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart opened the floor for nominations for Alternate to the Franchise Agreement Committee.

Director S. Contreras nominated himself as an Alternate to the Franchise Agreement Committee.

General Counsel J. Eggart asked if there were any other nominations for the position of Alternate to the Franchise Agreement Committee.

Hearing none, General Counsel J. Eggart closed the nominations and asked the recording secretary to take a roll call vote. The appointment of Director S. Contreras as an Alternate for the Franchise Agreement Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart opened the floor for nominations for the Outreach Committee of the Board.

Director C. Nguyen nominated himself and Director T. Diep to the Outreach Committee.

Director S. Contreras nominated himself.

General Counsel J. Eggart asked if there were any other nominations for the Outreach Committee.

Hearing none, General Counsel J. Eggart closed the nominations and asked the recording secretary to take a roll call vote on the first nomination of Director T. Diep. The appointment of Director T. Diep to the Outreach Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart asked the recording secretary to take a roll call vote on the second nomination of Director C. Nguyen. The appointment of Director C. Nguyen to the Outreach Committee was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

It was noted that no vote was needed for the third nomination.

General Counsel J. Eggart opened the floor for nominations to the position of Alternate to the Outreach Committee.

Director A. Nguyen nominated Director S. Contreras as Alternate to the Outreach Committee.

General Counsel J. Eggart asked if there were any other nominations for the position of Alternate to the Outreach Committee.

Hearing none, General Counsel J. Eggart closed the nominations and asked the recording secretary to take a roll call vote. The appointment of Director S. Contreras was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

General Counsel J. Eggart opened the floor for discussion as to future Board meeting dates and time. He stated that regular meetings of the Board are currently set at the first and third Tuesday of each month at 5:30 PM. No Board Members expressed interest in changing the date or time of the Board's regular meetings.

General Counsel J. Eggart stated that the full Board would like to keep the same meeting dates and time, so no action was necessary.

President M. Nguyen assumed chairmanship of the meeting.

INFORMATIONAL ITEMS

None

BOARD CONCERNS/COMMENTS

President M. Nguyen thanked the Directors for their support.

Director T. Diep was thanked by the Directors for serving as president.

The Directors expressed their gratitude to General Manager R. Housley for his dedication to the District.

GM/STAFF CONCERNS/COMMENT

General Manager R. Housley reminded the Board that the Outreach Committee is December 6, 2023, and the District annual holiday event is on December 17, 2023. He also congratulated President M. Nguyen on being appointed to the office of President.

LEGAL COUNSEL CONCERNS/COMMENTS

General Counsel J. Eggart congratulated the Directors on their re-election and offered to give a presentation on new laws that would affect the District in January or February.

CLOSED SESSION

None

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.

ADJOURNMENT

President M. Nguyen adjourned the meeting at 6:17 PM to the next Board Meeting to be held at the District on Tuesday, December 19, 2023, at 5:30 PM.

Andrew Nguyen, Secretary