

**MINUTES OF THE SPECIAL 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.**

**April 6, 2021**

**CALL TO ORDER**

President A. Nguyen called the special teleconference meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, April 6, 2021 at 5:02 P.M.

**BOARD MEMBERS PRESENT:**

Margie L. Rice (via teleconference)  
Tyler Diep (via teleconference)  
Sergio Contreras (via teleconference)  
Chi Charlie Nguyen (via teleconference)  
Andrew Nguyen (via teleconference)

**OTHERS AT MEETING:**

Kenneth Robbins, General Manager  
Robert Housley, Finance/HR Director  
James Eggart, General Counsel (via teleconference)  
Joseph Larsen, Labor Counsel (via teleconference)  
Danielle Gerardo, Board Secretary

**PLEDGE AND INVOCATION**

Director S. Contreras led the Pledge of Allegiance. Director M. Rice gave the Invocation.

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MAR. 16, 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 March 16, 2021. The motion was approved by the following 5-0 roll call vote:

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

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MAR. 23, 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 March 23, 2021. The motion was approved by the following 5-0 roll call vote:

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

**APPROVAL OF EXPENDITURES**

**A. Demands in the amount of \$388,094.86 (Roll Call Vote)**

#	CK #	Date	AMOUNT	VENDOR	
1				<b>CHECKS:</b>	<b>MEMO</b>
2	12537	3/12	\$ 97.77	<b>AT&amp;T Mobility</b>	Cell Phone Service for February 2021
3	12538	3/12	\$ 685.20	<b>Cameron Welding Supplies</b>	Restock gas cylinders for shop use
4	12539	3/12	\$ 265.62	<b>Cintas</b>	Uniform Services for 3/11
5	12540	3/12	\$ 180.82	<b>City of Westminster</b>	District offices and wash rack 01/13/21-03/09/21
6	12541	3/12	\$ 77,330.46	<b>CR Transfer</b>	Residential Waste&Organic Tonnage Fees 02/16/21-02/28/21
7	12542	3/12	\$ 2,112.35	<b>Daniel's Tire Service</b>	(5) Restock tires
8	12543	3/12	\$ 168.43	<b>Driveshaftpro</b>	Repair drive-line for front mount hydraulic pumps
9	12544	3/12	\$ 525.00	<b>Frog Environment</b>	Storm water run-off samples 03/03/21
10	12545	3/12	\$ 7,038.12	<b>SoCalGas</b>	CNG Station,District offices,mechanics shop,& wash rack
11	12546	3/12	\$ 136.90	<b>Hilco Fastener Warehouse Inc</b>	Restock bolts, locknuts, washers and wire ties for shop use
12	12547	3/12	\$ 7.36	<b>Velocity Truck Centers</b>	Electrical termal for vactors NG-12 & NG-16
13	12548	3/12	\$ 420.00	<b>Merchants Building Maintenance, LLC</b>	Enhanced cleaning services on 03/04/21
14	12549	3/12	\$ 632.12	<b>NVB Equipment, Inc</b>	NG-9 & NG-15 camera repair
15	12550	3/12	\$ 150.00	<b>Purchase Power</b>	Postage for February 2021
16	12551	3/12	\$ 119.00	<b>Remington Pure</b>	Water Filtration Service
17	12552	3/12	\$ 2,817.50	<b>Rutan &amp; Tucker, LLP</b>	Professional Legal Services
18	12553	3/12	\$ 4,026.27	<b>SDRMA</b>	Dental & Vision Insurance Premiums for April 2021
19	12554	3/12	\$ 157.14	<b>Snap-On Tools</b>	Multi-piece lockout kit
20	12555	3/12	\$ 56.25	<b>TEC of California, Inc</b>	Restock parts for Solid Waste trucks
21	12556	3/12	\$ 60.23	<b>TrucPar Company</b>	Restock clearance lights for trucks
22	12557	3/12	\$ 7,082.89	<b>Woodruff, Spradlin &amp; Smart</b>	General Counsel Legal Services for February 2021

23	12558	3/24	\$ 320.00	<b>Asbury Enviornment Services</b>	(400) Gallons Used Oil/Mixed Pick Up
24	12559	3/24	\$ 326.70	<b>AT&amp;T</b>	Brookhurst Lift Station Phone & Internet
25	12560	3/24	\$ 1,125.00	<b>Ayala's Car Wash</b>	Fleet wash 3/11, 3/15, 3/22
26	12561	3/24	\$ 4,680.46	<b>Bodyworks Equipment</b>	NG-10 loader arm replacement
27	12562	3/24	\$ 265.62	<b>Cintas</b>	Uniform Services for 3/18
28	12563	3/24	\$ 112.46	<b>City of Westminster</b>	Hydrant Water Service 01/15/2021-03/15/2021
29	12564	3/24	\$ 92,037.75	<b>CR Transfer Incorporated</b>	Residential Waste&Organic Tonnage Fees 03/01/21-03/15/21
30	12565	3/24	\$ 500.00	<b>CRC Cloud</b>	Reconfiguring of Firewall, Backup and Replication
31	12566	3/24	\$ 418.32	<b>Daniel's Tire Service</b>	(2) Restock tires for Solid Waste trucks
32	12567	3/24	\$ 194.73	<b>SoCalGas</b>	District offices, mechanics shop & wash rack
33	12568	3/24	\$ 90.48	<b>Hilco Fastener Warehouse Inc</b>	Restock bolts & washers
34	12569	3/24	\$ 3,491.09	<b>NVB Equipment, Inc</b>	Camera repair S-3 & A/C repair for NG-7
35	12570	3/24	\$ 74.31	<b>Time Warner Cable</b>	Television service March 2021
36	12571	3/24	\$ 1,866.63	<b>TEC of California, Inc</b>	Restock brake parts
37	12572	4/1	\$ 236.40	<b>Advanced Workplace Strategies, Inc</b>	Random drug testing
38	12573	4/1	\$ 6,023.62	<b>Bodyworks Equipment. Inc</b>	Restock packer cylinders for Solid Waste trucks
39	12574	4/1	\$ 88.59	<b>Cameron Welding Supplies</b>	Restock disc grinders for shop
40	12575	4/1	\$ 265.62	<b>Cintas</b>	Uniform Services for 3/25
41	12576	4/1	\$ 881.00	<b>CRC Cloud</b>	Maintenance & Support Apr-2021
42	12577	4/1	\$ 437.57	<b>Daniel's Tire Service</b>	(2) Restock recap tires for Solid Waste trucks
43	12578	4/1	\$ 1,228.36	<b>Frontier Communications</b>	District Office Phones & Lift Stations
44	12579	4/1	\$ 33.90	<b>LegalShield</b>	Prepaid legal & theft svcs.
45	12580	4/1	\$ 1,725.00	<b>Me Viet Nam Productions</b>	Public Outreach-30 Minute Talk Show 2/14, 2/21, 3/7
46	12581	4/1	\$ 1,114.84	<b>South Coast AQMD</b>	AQMD Fee July 2020 through June 2021 for lift stations
47	12582	4/1	\$ 1,193.76	<b>Standard Insurance Company</b>	Life Insurance & AD&D Premium Coverage
48	12583	4/1	\$ 109.10	<b>TrucPar Company</b>	Hydraulic hoses & claims for M-64
49	12584	4/1	\$ 1,050.00	<b>Viet Link Radio</b>	Public Outreach-( AM1480) 3/4/, 3/11, 3/18
50	12585	4/1	\$ 800.00	<b>Viet News Radio</b>	Public Outreach-Board Mtg&District Talkshows 2/13&2/20
51	12586	4/1	\$ 827.00	<b>Vortex Industries, Inc</b>	Preventative maintenance on rolling steel doors 3/22
52	12587	4/1	\$ 441.00	<b>WesPac Security Services, Inc</b>	Fire Alarm Svcs. Jan-Mar 2021
53	12588	4/1	\$ 5,559.14	<b>US Bank Corporate Payment Systems</b>	District Credit Cards
54			\$ 231,587.88	<b>CHECKS SUBTOTAL</b>	
55					
56				<b>PAYROLL</b>	
57	ACH	3/23	\$ 68,782.50	<b>Paychex</b>	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
58	ACH	3/24	\$ 4,678.39	<b>Nationwide Retirement Solutions</b>	457 Deferred Compensation (100% paid by employees)
59	ACH	3/24	\$ 560.00	<b>Nationwide Retirement Solutions</b>	457 Roth (100% paid by employees)
60	ACH	4/2	\$ 6,492.86	<b>Paychex</b>	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
61	ACH	4/1	\$ 525.89	<b>Nationwide Retirement Solutions</b>	457 Deferred Compensation(100% Paid By BoardofDirectors)
62			\$ 81,039.64	<b>ACH TRANSFERS SUBTOTAL</b>	
63					
64				<b>ACH PAYMENTS</b>	
65	ACH	3/24	\$ 15,598.65	<b>CaIPERS</b>	Retirement Contributions for 03/08/2021-03/21/2021
66	ACH	4/1	\$ 4,936.33	<b>CaIPERS</b>	Board of Directors Health Insurance Premiums for April 2021
67	ACH	4/1	\$ 54,932.36	<b>CaIPERS</b>	Active Employee and Retiree Health Ins Premiums April 2021
68			\$ 75,467.34	<b>ACH TRANSFERS SUBTOTAL</b>	
69					
70			\$ 388,094.86	<b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b>	
71					
72				<b>BANK TRANSFERS</b>	
73	UB	3/12	\$600,000.00	<b>Transfer Funds from UB Money Market to UB Checking Account</b>	

A motion was made by Director M. Rice, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$388,094.86. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

## **REPORTS**

### **Report of President**

None

### **Report of General Manager**

GM K. Robbins reported that the District's building project is moving along and that the Community Workforce Agreement is in the final stages. He is hoping to have it on the next agenda for Board approval since they are agreeing to a one project agreement which is what the Board asked for. The District's plans are in the plan check phase so the District will be able to invite bids soon.

GM K. Robbins reported that NG-12, one of the District's new CNG vector trucks was having engine problems, but is still under warranty, so the repairs have been done. The older diesel vector truck had its water pump repaired in-house by the District's mechanics so it can be used for backup.

GM K. Robbins reminded the Board of the District's clean-up event on Saturday, April 10, starting at 8 AM which is being held at the District.

### **Report from the Orange County Sanitation District Meeting on March 24, 2021**

President A. Nguyen reported that there was an update on their half billion dollar budget, with expenditures around \$350 million and capital improvements around \$150 million. OCSan received a triple A credit rating and their new building headquarters are under way. There was also a report on a minor sewer spill on March 15, 2021 in Newport Beach.

### **Report from Radio Outreach @ Radio Bolsa on Mar. 24, 2021**

Directors T. Diep reported that he and Director S. Contreras went on the radio to reiterate the need to recycle and how to dispose of organics.

Director S. Contreras reported that in addition to recycling and organics they were also able to speak about the District's sewers and the proper disposal of grease and oil.

### **Report from the City of Westminster Drive-Thru Spring Festival on Mar. 27, 2021**

President A. Nguyen and Director C. Nguyen attended the event along with District staff and handed out items to the children and residents who attended.

### **Report from the Franchise Committee Meeting on Mar. 31, 2021**

Directors M. Rice and C. Nguyen met with GM K. Robbins and the new Vice President of CR&R.

Director M. Rice reported that in June of 2020 CR&R provided the District with two front loader trucks to catch up on bulkies due to the 2.5 month shutdown of the program during Covid-19. Big Truck Rentals quoted \$8,200 per month for each truck and the District had the CR&R trucks for three weeks which would have cost \$6,150 for each or \$12,300 in total rental fees. CR&R covered the July 2020 cleanup event at the District with 10 bins. They have always covered the delivery and pickup fees, but charge the District \$67 per ton for processing. The average bin weight at a cleanup event is 2.5 tons with a maximum of 6 tons, for a total cost \$1,675. CR&R has also agreed to provide the District with two or more (if needed) haul away construction storage bins during the District's building project. These rent for \$800 each per month, for a total \$16,000 but if the District needs three, this number would increase. CR&R has also agreed to cover all 2021 cleanup event tonnage fees which will have a total of 22 bins and using the same calculations, is above \$3,685.

Director C. Nguyen reported that they met with the new Vice President of CR&R and that he seemed very cooperative and willing to work with the District.

## **CONSENT CALENDAR**

None

## **OLD BUSINESS**

None

## **NEW BUSINESS**

A. Consider Vision Benefits for the Board of Directors and Authorize the General Manager to Execute the Documents ***(Roll Call Vote)***

A motion was made by Director C. Nguyen, seconded by Director M. Rice, to approve vision benefits for the Board of Directors only and authorize the General Manager to execute the documents. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

B. Consider Approval of Delta Dental PPO Dividend Refund Payments to Eligible Employees Who Made Contributions towards Dependent Coverage for Dental Benefits  
**(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 C. Nguyen, to approve of Delta Dental PPO dividend refund payments to eligible employees who made contributions towards dependent coverage for dental benefits. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

C. Discussion and Consideration of In-Person Midway City Sanitary District Board Meetings  
**(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 C. Nguyen, seconded by President A. Nguyen to continue as is with teleconference meetings until a later date or until a special meeting is called. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

D. Discussion of Midway City Sanitary District's Large Item Pickup Service  
**(Roll Call Vote)**

GM K. Robbins stated that the District currently provides quite a few services, whose costs are absorbed by the District and are done at no charge. The District allows residents to claim abandoned items if they drag them to their curb and schedule a pickup, provides bins for free clean up events several time a year, and provides mattress and boxspring recycling at the District at no charge, in addition to the free large item pickup service.

Discussion only. No action taken.

E. Discussion and Consideration to Review and Approve Outreach Content Prior to Sending Out in Vietnamese and Spanish  
**(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 C. Nguyen, seconded by Director M. Rice to approve creating an Ad Hoc Committee for the duration of the year or until December

31, 2021, for Director S. Contreras to review all Spanish outreach content and Director C. Nguyen to review all Vietnamese outreach content prior to sending anything out. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

Director T. Diep left the meeting at 5:50 P.M.

F. Discuss and Consider Changing the Midway City Sanitary District's Regularly Scheduled Board Meeting on Tuesday, April 20, 2021 at 5:30 P.M. to a Special Teleconference Meeting at 5 P.M. due to the COVID-19 Pandemic

***(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 President A. Nguyen to approve changing the Midway City Sanitary District's regularly scheduled Board meeting on Tuesday, April 20, 2021 at 5:30 PM to a special teleconference meeting at 5 PM due to the COVID-19 pandemic. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

## **INFORMATIONAL ITEMS**

A. SDRMA Letter 2021-2022 Property & Liability Program Estimated Contribution

B. SDRMA Letter 2021-2022 Worker's Compensation Program Estimated Contribution

C. OC Waste & Recycling Waste Disposal Agreement Contract Rate – 2021 Rate Increase Notification Effective July 1, 2021

D. LAFCO Alternate Public Member Press Release and Application

Receive and file.

## **BOARD CONCERNS/COMMENTS**

Director C. Nguyen asked about the timeline and possible end date of the District's building project in order to have an open house.

GM K. Robbins stated that it is in the planning phase, with construction starting in June or July of 2021 and that it would probably be finished in the spring or summer of 2022.

## **GM/STAFF CONCERNS/COMMENT**

Finance/HR Director R. Housley stated that the VSP Vision Insurance paperwork would be a process and would need to go to underwriting for approval prior to finalization.

## **GENERAL COUNSEL CONCERNS/COMMENTS**

General Counsel J. Eggart stated that in relation to continuing to hold teleconference meetings, there is still an executive order in effect to allow the Board to conduct teleconference meetings, but that once it is lifted, the regular Brown Act provisions will apply again and the Board may need to begin holding in-person meetings. General Counsel J. Eggart also provided a brief summary of three bills currently being considered in the State Legislature to amend the Brown Act regarding teleconference meetings.

General Counsel, J. Eggart convened the meeting to a closed session at 5:57 P.M. with labor negotiators pursuant to Government Code Section 54957.6, as identified on the agenda as item 14A and noted that the District's designated representatives 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



Director M. Rice left the meeting at 6:16 P.M.

President A. Nguyen reconvened the meeting at 6:20 PM.

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

## **ADJOURNMENT**

President A. Nguyen adjourned the meeting to Tuesday, April 20, 2021 at 5:00 P.M. at the District office at approximately 6:20 P.M.

Sergio Contreras  
Sergio Contreras, Secretary