

**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**

**June 6, 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 Avenue, Westminster, California on Tuesday, June 6, 2023 at 5:36 PM.

**BOARD MEMBERS PRESENT:**

Tyler Diep  
Andrew Nguyen  
Chi Charlie Nguyen  
Sergio Contreras (arrived @ 5:56 PM)  
Mark Nguyen

**STAFF PRESENT:**

Robert Housley, General Manager  
Siamlu Cox, Director of Finance & HR  
Cynthia Olsder, Executive/Board Secretary

**OTHERS PRESENT:**

James Eggart, Legal Counsel

**PLEDGE AND INVOCATION**

Director A. Nguyen led the Pledge of Allegiance. Director M. Nguyen gave the Invocation.

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON MAY 15, 2023**

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to approve the minutes of the Regular Meeting on May 15, 2023. The motion was approved by the following 3-0-1 vote:

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

NAYS:

ABSTAIN: C. Nguyen

ABSENT: S. Contreras

## APPROVAL OF THE MINUTES OF THE SPECIAL MEETING ON MAY 22, 2023

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to approve the minutes of the Special Meeting on May 22, 2023. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: S. Contreras

## APPROVAL OF EXPENDITURES

### A. Demands in the amount of \$627,594.47

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14627	5/11	795.60	Betts Truck Parts & Service	Leaf spring (1) solid waste trucks
2	14628	5/11	1,162.65	Cameron Welding Supply	Welding supplies Shop, Oxygen (1) winning steel (33) Shop, Welding helmet (1) Shop, Welding compressed gas Shop
3	14629	5/11	171.18	City of Westminster-Water Billing	Wash Rack 03/08 - 05/02/23, District offices 03/08 - 05/02/23
4	14630	5/11	9,736.49	CRC Cloud	Monitor (2) Engineer, Monitor (1) Operations Dir, PC computer (1) AP Accountant, Firewall Sophos XGS 116 1-year subscription
5					HP ProBook 450 15.9 inch Notebook Shop, Cisco Business CBS250-48P-4X network smart switch, Maintenance & Support May-2023
6	14631	5/11	1,013.74	Daniels Tire Service	Recap tires (4) solid waste trucks
7	14632	5/11	27.80	Hillco Fastener Warehouse Inc.	Bolts, nuts gaskets solid waste trucks
8	14633	5/11	559.50	Konecranes, Inc.	Crane inspection May-2023 Shop
9	14634	5/11	828.36	Merchants Building Maintenance, LLC	Janitorial Services May-2023
10	14635	5/11	1,661.97	Motion and Flow Control Products, Inc.	Heil fittings (6) solid waste trucks, Hydraulic hoses (80) solid waste trucks
11	14636	5/11	48,878.00	Rengel + Company Architects, Inc	Soils Engineering Feb-2023, Bldg. Proj Management Apr-2023, Bldg. Proj Mgt Apr-2023
12	14637	5/11	4,201.59	SDRMA - Employee Benefits	Dental and vision benefits Jun-2023
13	14638	5/11	1,000.00	Shuster Advisory Group, LLC	Advisory Fee for 457(b) & OBRA plans Q1 2023
14	14639	5/11	508.73	Sign Design	MCSO clean-up events signs (2)
15	14640	5/11	159.16	SoCal Auto & Truck Parts, Inc.	Swivel fittings air brakes solid waste trucks
16	14641	5/11	12,873.05	TEC Of California, Inc.	Tube fittings, Tube fittings for NG-1, Fitting tubes Mack airbrakes solid waste trucks
17					Drain valves/adaptor NG-13, NG-15, NG-18 solid waste trucks, Control valve, steering arm, gears NG-2 solid waste trucks
18					Drain valve NG-2 solid waste trucks, Oil pressure sensor NG-2 solid waste trucks, Oil pressure sensor solid waste trucks
19					Brake rotors (4) solid waste trucks, EGR cooler valve NG-14 solid waste trucks, Steering gear box NG-5 solid waste trucks
20					Stabilizer cylinder NG-2 solid waste trucks, Brake slack adjusters (4) solid waste trucks,
21					Front brake rotors (2) solid waste trucks, Exhaust pipe clamps NG-6 solid waste truck, Filters (19) solid waste trucks
22					Brake spring NG-6 solid waste truck, Spring assy (1) anti-freeze (55) solid waste trucks
23	14642	5/11	638.39	UniFirst Corporation	Uniforms & Laundry Service Apr-2023
24	14643	5/11	2,724.00	Wespac Security Services, Inc.	Fire alarm monitoring 12/22 - 06/23, Gas leak alarm monitoring 01/23 - 06/01/23
25	14644	5/12	1,376.65	Dtntech	April Clean Up Mailer (1600)
26	14645	5/15	1,183.19	Andrew Nguyen	2023 Waste Expo Reimbursement

27	14646	5/25	52,444.33	AKM Consulting Engineers, Inc.	SSMP Consultant 04/03 - 04/28/23
28	14647	5/25	530.58	AT&T (Brookhurst Lift Station)	Brookhurst May- 2023
29	14648	5/25	364.72	AT&T Mobility (First Net)	Mobile Phone Apr-2023
30	14649	5/25	480.00	Ayala's Car Wash	Fleet wash 05/15/23, Fleet wash 05/16/23
31	14650	5/25	1,508.76	Bodyworks Equip. Inc.	Heil system parts trash trucks
32	14651	5/25	306.32	Cameron Welding Supply	Compressed gas, nozzle gun, wheels, Acetylene, Propane, Wheel
33	14652	5/25	84.94	City of Westminster Hydrant	Hydrant Water Service May-2023
34	14653	5/25	1,200.00	Commerford Inspection, Inc.	Material Welding & Shop Inspection 05/02-05/23
35	14654	5/25	210,203.97	CR Transfer, Inc.	Tonnage Fees Apr-2023
36	14655	5/25	753.98	CR&R Incorporated	Bowling Green Pk Clean-Up Event 04/08/23
37	14656	5/25	11,685.00	Davis Farr LLP	Accounting Assistance Mar-2023
38	14657	5/25	191.61	Hillco Fastener Warehouse Inc.	Washers, lock nuts and zip ties for shop
39	14658	5/25	4,048.18	Hydraulic Solutions And Supplies	Hydraulic cylinders (2) Heil Packer (4) solid waste trucks
40	14659	5/25	70.14	Motion and Flow Control Products, Inc.	Hydraulic fittings NG-10
41	14660	5/25	35,447.14	Orange County Sanitation District	Permit Fees Apr-2023
42	14661	5/25	201.00	Pitney Bowes/Purchase Power	Postage for Apr-2023
43	14662	5/25	33.90	Pre-Paid Legal Services, Inc.	Prepaid legal May-2023
44	14663	5/25	168.46	Pro-Vision, Inc.	Monitor harness for camera system NG-18
45	14664	5/25	10,187.50	Rengel + Company Architects, Inc	Soils Engineering Feb-Apr 2023
46	14665	5/25	4,120.50	Rutan & Tucker, LLP	Legal Services Apr-2023
47	14666	5/25	189.23	Snap-On Tools	Pipe wrench 18"
48	14667	5/25	32.13	SoCalGas	Maint. Shop & Wash Rack May-2023
49	14668	5/25	459.69	South Coast Air Quality Management Dist.	AQMD Hot Spot Fee 07/22 - 06/23
50	14669	5/25	1,697.32	Southbay Truck Center	Steering wheel NG-9
51	14670	5/25	1,447.02	Spectrum Enterprise (Time Warner Cable)	Phone, internet, television May-2023
52	14671	5/25	609.88	UniFirst Corporation	Uniforms & Laundry Service May-2023
53	14672	5/25	6,834.00	Woodruff, Spradlin & Smart	Legal Services Apr-2023
54			<b>\$ 434,800.35</b>	<b>CHECKS SUBTOTAL</b>	
55					
56				<b>PAYROLL:</b>	<b>MEMO</b>
57	ACH	5/17	\$ 76,379.06	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
58	ACH	5/17	\$ 5,703.40	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
59			<b>\$ 82,082.46</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
60					
61				<b>ACH PAYMENTS:</b>	<b>MEMO</b>
62	ACH	5/12	1,394.03	Chevron Texaco (Wex Bank)	Gasoline and diesel fuel May-23
63	ACH	5/25	\$ 366.45	Paychex	Time & Attendance Feb-23
64	ACH	5/25	\$ 15,870.70	CalPERS	Retirement Contributions for 05/01 - 05/14/23
65	ACH	5/25	\$ 67,256.13	CalPERS	Active Employee and Retiree Health Ins Premiums Jun-23
66	ACH	5/25	\$ 6,874.74	CalPERS	Board of Directors Health Insurance Premiums for Jun-23
67	ACH	5/25	\$ 18,949.61	US Bank Corporate Payment System	District credit cards May-2023
68			<b>\$ 110,711.66</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
69					
70			<b>\$ 627,594.47</b>	<b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b>	
71					
72				<b>BANK TRANSFERS:</b>	
74	UB	5/11	\$ 48,878.00	Transfer Funds from LAIF Building to LAIF Operating	
78	UB	5/11	\$ 300,000.00	Transfer Funds from UB Money Market to UB Checking	
79	UB	5/26	\$ 1,363,891.81	Transfer Funds from UB Money Market to UB Checking	
80			<b>\$1,712,769.81</b>	<b>BANK TRANSFERS</b>	

A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to approve the expenditures in the amount of \$627,594.47. The motion was approved by the following 3-0-1 vote:

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

NAYS:

ABSTAIN: T. Diep

ABSENT: S. Contreras

## **REPORTS**

### **Report of President:**

None

### **Report of General Manager**

GM R. Housley introduced S. Cox to the Board of Directors.

GM. R. Housley provided an update on the building construction project and the compost event.

### **Report of Engineer**

None

### **Report from the City Manager Panel on May 16, 2023**

Director A. Nguyen reported that he attended the event with Staff and that the event was a success in informing people on what was happening in Westminster and the nearby cities.

### **Report from the CSDA Legislative Days on May 16-17, 2023**

Director C. Nguyen reported that the conference was a good opportunity to meet and discuss issues directly with our state legislators and staff. He recommended that both the Board and staff should attend the event.

### **Report from the Outreach VNCR Radio on May 18, 2023**

President T. Diep reported that he and Director S. Contreras attended the radio recording to discuss the District's services and forthcoming events.

### **Report from the 2<sup>nd</sup> Annual Public Works Open House on May 20, 2023**

President T. Diep, Director M. Nguyen, Director A. Nguyen, and Director C. Nguyen all attended and reported that the event was not well attended by the general public; however, it was a good opportunity to learn more about their services.

### **Report from the Building Project Ad Hoc Committee Meeting on May 23, 2023**

Director M. Nguyen reported that the District will replace the outdated flag pole, and the anticipated building project completion date has been pushed back to the end of October.

### **Report from the District Luncheon on May 24, 2023**

President T. Diep, Director S. Contreras, and Director A. Nguyen all attended and reported that it was a good opportunity to recognize the efforts of the staff.

## Report from the OC San District Meeting on May 24, 2023

Director A. Nguyen reported that the Westminster Blvd. Sewer Project is nearing completion.

### CONSENT CALENDAR

- A. Approve a \$250,000 Contribution to the District's CEPPT Trust Account and Authorize the General Manager to Execute the Transaction
- B. Consider Approval of Amendment No.1 to Professional Services Agreement Between the Midway City Sanitary District and Davis Farr LLP to Provide Temporary Accounting and Financial Services
- C. Approve the May 12, 2023, Franchise Committee Report

A motion was made by Director C. Nguyen, seconded by Director M. 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

Director S. Contreras arrived at 5:56 PM.

### NEW BUSINESS

- A. PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 2023-12 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING A REPORT ON SPECIAL USER FEES PURSUANT TO SPECIAL USAGE PERMIT AGREEMENT AND COVENANT DOCUMENTS AND DIRECTING THE COUNTY AUDITOR TO ADD SUCH SPECIAL USAGE CHARGES TO THE JULY 1, 2023 THROUGH JUNE 30, 2024 SECURED TAX ROLL PURSUANT TO ORDINANCE NO.26

President T. Diep read the title of Resolution No. 2023-12 and opened the public hearing.

There were no public comments.

President T. Diep closed the public hearing.

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director M. Nguyen, to approve adoption of Resolution No. 2023-12, approving a report on special user fees pursuant to special district permit agreement and covenant documents and directing the county auditor to add such special usage charges to the July 1, 2023 through June 30, 2024 secured tax roll pursuant to Ordinance No. 26. The motion was approved by the following roll call 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

**B. PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 2023-13 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY CALIFORNIA, APPROVING A REPORT ON SANITATION AND SEWER USER FEES AND DIRECTING THE COUNTY AUDITOR TO ADD SUCH USER CHARGES TO THE JULY 1, 2023 THROUGH JUNE 30, 2024 SECURED TAX ROLL PURSUANT TO ORDINANCE NO.72 AND ORDINANCE NO.73**

President T. Diep read the title of Resolution No. 2023-13 and opened the public hearing.

There were no public comments.

President T. Diep closed the public hearing.

A staff report and recommendations were provided and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to approve adoption of Resolution No. 2023-13, approving a report on sanitation and sewer user fees and directing the county auditor to add such user charges to the July 1, 2023 through June 30, 2024 secured tax roll pursuant to Ordinance No. 72 and Ordinance No. 73. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

**C. PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 2023-14 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY CALIFORNIA, ADOPTING THE SPECIAL DISTRICT GENERAL FUND BUDGET FOR THE FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024**

President T. Diep read the title of Resolution No. 2023-14 and opened the public hearing.

There were no public comments.

President T. Diep closed the public hearing.

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve adoption of Resolution No. 2023-14, adopting the special district general fund budget for the fiscal year July 1, 2023 through June 30, 2024. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

- D. Consider Attendance to the Little Saigon 35<sup>th</sup> Anniversary Celebration to Celebrate the Designation of the Little Saigon District, June 10, 2023, for Board Members and Staff Who Wish to Attend and Sponsorship Opportunity

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 attendance and the amount of \$3,000 in sponsorship. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

- E. Consider Attendance to the Westminster Chamber of Commerce Lunch and Learn Event on Workplace Safety, June 14, 2023, for Board Members and Staff Who Wish to Attend and Consider Membership and Sponsorship Opportunity

President T. Diep recused himself due to a conflict of interest because he is a member of the Chamber of Commerce Board of Directors and left the meeting room for the duration of discussion on the item.

President T. Diep left the meeting at 6:13 p.m. Vice President M. Nguyen presided over the meeting during President Diep's absence.

A staff report and recommendation were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve attendance, a \$400 annual membership, and rejection of sponsorship. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:  
ABSENT: T. Diep

President T. Diep returned to the meeting at 6:18 p.m. and assumed chairmanship of the meeting.

- F. Consider Approving the proposed Job Description, Job Title and Salary Range for the Director/Manager of Services and Program Development

A staff report and recommendation were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director C. Nguyen, to approve the proposed job description, job title of director, and salary range for the director/manager of services and program development. The motion was approved by the following 5-0 vote:

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

## **INFORMATIONAL ITEMS**

- A. Notification of Election Ballot – 2023 SDRMA Board of Directors Election
- B. ISDOC “Virtual” Quarterly Meeting – June 22, 2023
- C. Support for Director Al Nederhood, CSDA Board of Directors, Southern Network Seat C

Receive and file.

## **BOARD CONCERNS/COMMENTS**

The Directors expressed their appreciation to staff for their hard work.

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

GM R. Housley thanked the Board for their support.

GM R. Housley reminded the Board that from June 16 through July 5, he will be on vacation. He also reminded the Board of upcoming events, including the outreach meeting on June 7, the franchise meeting on June 9, the clean-up event on June 10, the next Board Meeting on June 27, and the employee luncheon on June 28.

## **LEGAL COUNSEL CONCERNS/COMMENTS**

J. Eggart reminded the Board that he will be on vacation for two weeks beginning on June 9.



He also gave an update on the Levine Act, stating that it is still in effect and continues to apply to the District.

## **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.

The Board did not convene into closed session.

## **ADJOURNMENT**

President T. Diep adjourned the meeting at 6:53 PM to the next Board meeting to be held at the District on Tuesday, June 27, 2023, at 5:30 PM.

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Andrew Nguyen, Secretary