

**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**

March 19, 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, March 19, 2024 at 5:30 P.M.

BOARD MEMBERS PRESENT:

Mark Nguyen
Tyler Diep
Chi Charlie Nguyen (arrived at 5:33 PM)
Andrew Nguyen
Sergio Contreras (arrived at 5:35 PM)

STAFF MEMBERS PRESENT:

Robert Housley, General Manager
Ashley Davies, Director of Servs. & Program Development
Cynthia Olsder, Executive/Board Secretary

OTHERS PRESENT:

James H. Eggart, General Counsel Woodruff & Smart
Diann Pay, Consulting Engineers AKM
Todd Main, Executive V.P. ProcureAmerica

PLEDGE OF ALLEGIANCE AND INVOCATION:

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

PUBLIC COMMENTS:

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON MARCH 5, 2024, AND THE
MINUTES OF THE SPECIAL MEETING ON MARCH 7, 2024:**

A motion was made by Director T. Diep, seconded by Director A. Nguyen, to approve the minutes of the regular meeting on March 5, 2024, and of the special meeting on March 7, 2024. The motion was approved by the following 3-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: C. Nguyen, S. Contreras

REPORTS:

Report of President

None

Report of General Manager

GM R. Housley provided updates on current affairs and planned activities at the District. He reported that the District will be recognizing our Open House sponsors at the Board meeting on 04/02/24. Additionally, the District contracted Southwest Patrol to provide nighttime and weekend patrols.

Director C. Nguyen arrived at 5:33 P.M.

Director of Services & Program Development

Director of Services & Program A. Davies provided updates on all outreach activities at the District. She reported that the District will participate in the City of Westminster's Bunny Hop Event on March 23, 2024, at Gillespie Park, and on March 30, 2024, at Bolsa Chica Park.

Director S. Contreras arrived at 5:33 P.M.

Report of Outreach Committee Meeting on March 6, 2024

Director C. Nguyen and Director T. Diep met with staff to...

Report of Radio Outreach Radio Bolsa on March 8, 2024

President M. Nguyen and Director M. Nguyen attended the radio recording to discussed SB 1383, the District services, and upcoming events.

Report of Radio Outreach VNCR on March 8, 2024

President C. Nguyen and Director A. Nguyen attended the radio recording to discussed SB 1383, the District services, and upcoming events.

Report of Calendar Committee Meeting on March 11, 2024

Director S. Contreras and Director T. Diep attended the meeting to discuss and contribute ideas for the 2025 Calendar.

CONSENT CALENDAR:

- A. Receive and File the Register of Demands in the Amount of \$376,869.54
- B. Approve and File the Treasurer's Investment Report for February 2024
- C. Approve the March 6, 2024 Outreach Committee Recommendations
- D. Approve the March 11, 2024 Calendar Committee Recommendations
- E. Recognition and Approval of a 10-year Safe Driving Award for Solid Waste Driver, Sergio Gonzalez, in the amount of \$300.00

F. Receive and File the Engineer Report for February 2024

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the Consent Calendar. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS:

None

NEW BUSINESS:

- A. Consider Approval of a Proposal to Amend the Existing Professional Services Agreement with AKM Consulting Engineering for the Sewer System Master Plan Project to Include Additional Services at an Additional Cost Not to Exceed \$199,596 and Authorizing the General Manager to Enter into and Execute an Amendment to the Existing Agreement

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to authorize the General Manager to enter into and execute an Amendment No.2 to the Professional Services Agreement with AKM Consulting Engineers, in a form approved by General Counsel, to amend the scope of work and not-to-exceed compensation under the Agreement for the Sewer GIS, Survey of Manholes, and Hydraulic Model Update at a not to exceed additional cost of \$199,596. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

- B. Consider Consulting Services with Procure America, Inc. for Business Intelligence Services

Todd Main of Procure America, Inc. provided a presentation, and a staff report and recommendations were provided to and considered by the Board. A motion was made by Director T. Diep, seconded by Director C. Nguyen, to direct the General Manager to negotiate and prepare an agreement for consulting services with Procure America, Inc for business intelligence services for future consideration by the Board. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

- C. CONSIDERATION OF RESOLUTION NO. 2024-06 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY NOMINATING ROBERT HOUSLEY AS A CANDIDATE FOR APPOINTMENT TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS

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. 2024-06 as presented at the meeting. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

D. RESOLUTION NO. 2024-07

A Resolution of the Board of Directors of the Midway City Sanitary District of Orange County, California, Ratifying and Implementing Changes to the Compensation of the General Manager

General Counsel, J. Eggart gave an oral report providing a summary of proposed changes to the compensation of the General manager.

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to adopt Resolution No. 2024-07 as presented at the meeting. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS:

None

BOARD CONCERNS AND COMMENTS:

The Board thanked Staff.

GM/STAFF CONCERNS AND COMMENT:

None

GENERAL COUNSEL CONCERNS AND COMMENTS:

General Counsel J. Eggart shared information about a new opinion from the United States Supreme Court establishing a new test for when a public official's removal or blocking of posts of members of the public on their social media accounts constitutes "state action" that could result in liability.

CLOSED SESSION:

None

ADJOURNMENT:

President M. Nguyen adjourned the meeting at 6:19 P.M. to the next Board Meeting to be held at the District on Tuesday, April 2, 2024, at 5:30 P.M.



Andrew Nguyen, Secretary