

**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**

**December 20, 2022**

**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, December 20, 2022 at 5:53 P.M.

**BOARD MEMBERS PRESENT:**

Tyler Diep  
Sergio Contreras  
Chi Charlie Nguyen  
Mark Nguyen  
Andrew Nguyen

**STAFF PRESENT:**

Ken Robbins, General Manager  
Robert Housley, Finance/HR Director  
Cynthia Olsder, Executive/Board Secretary

**OTHERS PRESENT:**

James Eggart, General Counsel

**BOARD MEMBERS ABSENT:**

**PLEDGE AND INVOCATION**

Director M. Nguyen led the Pledge of Allegiance. GM K. Robbins gave the Invocation.

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF DECEMBER 6, 2022**

***(Roll Call Vote)***

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, to approve the minutes of the regular meeting of December 6, 2022. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

**APPROVAL OF EXPENDITURES**

**(Roll Call Vote)**

**A. Demands in the amount of \$925,906.36**

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14198	12/1	910.00	Ayala's Car Wash	Washing and cleaning of district's fleet
2	14199	12/1	5,745.97	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
3	14200	12/1	432.35	Cameron Welding Supply	Oxygen and propane welding supplies for shop
4	14201	12/1	1,572.39	Clean Energy	CNG Station site inspection
5	14202	12/1	184,377.91	CR Transfer, Inc.	Residential solid waste & organic tonnage fees
6	14203	12/1	1,229.10	Daniels Tire Service	Restock tires for solid waste
7	14204	12/1	6,491.73	Haaker Equipment Co.	Repairs on NG-12 and NG-16 Vector Trucks boom and sensors
8	14205	12/1	3,100.75	Los Angeles Truck Centers, LLC	Cab latch and electrical pump raise for NG-6 for trash truck
9	14206	12/1	470.00	Memorial Care Medical Foundation	DMV physicals and random drug testing - all departments
10	14207	12/1	1,838.93	NVB Equipment, Inc.	AC service for trash trucks
11	14208	12/1	33.90	Pre-Paid Legal Services, Inc.	Prepaid legal Nov-2022
12	14209	12/1	1,200.00	Radio Bolsa Corp.	10 minute radio talk show 11/17, 11/21-25
13	14210	12/1	652.08	SoCal Auto & Truck Parts, Inc.	Restock shop supplies for solid waste trucks
14	14211	12/1	8,432.72	Southern California Edison	District Offices, CNG station, and lift stations
15	14212	12/1	267.03	Spectrum Enterprise (Time Warner Cable)	Internet Services Nov-2022
16	14213	12/1	1,410.48	Standard Insurance Company Life	Life Insurance & AD&D Premiums
17	14214	12/1	300.00	Streamline	Website monthly member fee
18	14215	12/1	88.90	Underground Service Alert	Underground dig alerts Nov-2022
19	14216	12/1	255.22	UniFirst Corporation	Employee uniform & laundry services
20	14217	12/1	825.00	Viet-Nam California Radio	15 minute radio talk show 11/7 and 11/8
21	14218	12/9	329,719.39	Woodcliff Corporation - Contractor	Building project pay application #2 Nov-2022
22	14219	12/12	360.00	Ayala's Car Wash	Washing and cleaning of district's fleet
23	14220	12/12	1,027.88	Betts Truck Parts & Service	Replacement bushings NG-6 suspension for trash trucks
24	14221	12/12	16,860.20	Bodyworks Equip. Inc.	Heil parts for solid waste trash truck
25	14222	12/12	39.04	City of Westminster-Water Billing	Westminster lift station water
26	14223	12/12	2,660.00	CliftonLarsonAllen, LLP	Final Billing for FYE 06.30.2022 independent audit services
27	14224	12/12	795.00	CRC Cloud	Monthly maintenance & Support
28	14225	12/12	6,429.42	Cummins Sales and Service	Isolator, engine and electrical repairs for trash trucks
29	14226	12/12	600.82	Fastenal Industrial & Construction Supplies	Tools for shop
30	14227	12/12	1,222.83	Frontier Communications	District office phones & lift stations
31	14228	12/12	374.54	Hillco Fastener Warehouse Inc.	Restock lock nuts and bolts for Solid Waste
32	14229	12/12	44,036.17	Orange County Sanitation District	Permit Fees Nov-2022
33	14230	12/12	185.07	Petty Cash-Ken Robbins	Nov-2022 Petty Cash
34	14231	12/12	379.00	Rengel + Company Architects, Inc	Building project reimbursement expenses
35	14232	12/12	441.00	Rutan & Tucker, LLP	Legal Services Nov-2022
36	14233	12/12	697.11	SoCal Auto & Truck Parts, Inc.	Tools and supplies for shop use
37	14234	12/12	717.77	Staples Business Credit	Restock office supplies for Nov-2022
38	14235	12/12	468.59	UniFirst Corporation	Employee uniform & laundry services
39	14236	12/12	686.00	Wespac Security Services, Inc.	Alarm monitoring Svcs 2Q 2022
40	14237	12/12	16,500.00	WEX Health Inc - Reserve Account	Reserve funds for HRA 1/1-6/30/2023 plan year
41	14238	12/12	350.99	PSI	Replacement parts for wash rack machine
42			<b>\$ 644,185.28</b>	<b>CHECKS SUBTOTAL</b>	
43					
44				<b>PAYROLL:</b>	<b>MEMO</b>
45	ACH	11/30	\$ 81,819.95	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
46	ACH	11/30	\$ 7,644.26	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
47	ACH	12/2	\$ 6,170.16	Paychex	Board of Directors Payroll - Checks, Taxes, & Direct Deposits
48	ACH	12/2	\$ 660.00	Nationwide Retirement Solutions	457 Deferred Compensation (Board of Directors)
49	ACH	12/14	\$ 145,490.61	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
50	ACH	12/14	\$ 6,632.48	Nationwide Retirement Solutions	457 Deferred Compensation (Employees)
51			<b>\$ 248,417.46</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
52					

52					
53				<b>ACH PAYMENTS:</b>	<b>MEMO</b>
54	ACH	11/21	\$ 343.00	Paychex	Time & Attendance Nov - 2022
55	ACH	11/25	\$ 66.00	WEX Health	HRA Monthly Fee for Oct - 2022
56	ACH	11/30	\$ 16,447.31	CalPERS	Retirement Contributions for 11/14 - 11/27/22
57	ACH	12/15	\$ 16,447.31	CalPERS	Retirement Contributions for 11/28 - 12/11/22
58			<b>\$ 33,303.62</b>	<b>ACH TRANSFERS SUBTOTAL</b>	
59					
60			<b>\$ 925,906.36</b>	<b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b>	
61					
62				<b>BANK TRANSFERS:</b>	
63	UB	12/9	\$ 800,000.00	Transfer Funds from UB Money Market to UB Checking	
64			<b>\$ 800,000.00</b>	<b>BANK TRANSFERS</b>	
65					

A motion was made by Director S. Contreras, seconded by Director C. Nguyen, to approve the expenditures in the amount of \$925,906.36. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

## REPORTS

### Report of President

President T. Diep reported that consideration of sponsoring the Tet Parade will be on the agenda for discussion at the next Board meeting.

### Report of General Manager

GM K. Robbins reported that the grading plan for the landscaping portion of the Building Project is still pending approval by the City.

GM K. Robbins reported that the California State Water Resources Control Board adopted the Statewide Sanitary Sewer Systems General Waste Discharge Requirements Order Reissuance (SSS WDR). This renewed version of the SSS WDR will serve as the new regulatory mandate for operation and maintenance for those systems. The SSS WDR will become effective in June 2023.

GM K. Robbins thanked the Board and staff for their kind words at the Holiday Dinner.

### Report from the Outreach Committee Meeting on December 12, 2022

Director A. Nguyen and Director C. Nguyen met to discuss the radio outreach schedule for January 2023. Director A. Nguyen reported that the Tet Parade is on Sunday, January 22, 2023. Director

A. Nguyen stated that if any Directors need help with planning for the Tet Parade to reach out to Secretary Olsder.

### **Report from the OC San Meeting on December 15, 2022**

Director A. Nguyen reported that Assistant General Manager Rob Thompson has been selected as the next OC San General Manager, effective February 10, 2023. Additionally, he reported that the Westminster Sewer Construction is anticipated to be completed at the end of the year, but landscape and street restoration won't be completed until early 2023.

### **Report from Me Vietnam Outreach on December 15, 2022**

Director C. Nguyen reported that he attended the radio recording with Director M. Nguyen and GM K. Robbins to talk about recycling, the Christmas tree program, how to properly dispose of grease during the holidays, and to announce GM K. Robbins' retirement.

### **Report from the MCSD Holiday Dinner on December 18, 2022**

All of the Directors attended the MCSD holiday dinner. Director S. Contreras reported that it was a great event to recognize the District's employees.

### **Report from VietLink Outreach on December 19, 2022**

Director S. Contreras reported that he attended the radio recording with Director A. Nguyen and GM K. Robbins to talk about the Christmas tree program, the bulky service, mattress recycling, and to announce GM K. Robbins's retirement.

## **CONSENT CALENDAR**

### **A. Approve and File the Treasurer's Investment Report for November 2022**

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

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

NAYS:

ABSTAIN:

ABSENT:

## **OLD BUSINESS**

None

## **NEW BUSINESS**

- A. Discussion and Consideration of Hiring AKM Consulting Engineers for Sewer System Engineering, Master Planning, and Hydraulic Modeling in the Development of a Comprehensive and Updated 2023 Sewer System Master Plan **(Roll Call Vote)**

A staff report and recommendations were provided and considered by the Board. A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve AKM Consulting Engineers' proposal for the 2023 sewer system master plan update, direct staff to enter into an agreement with AKM Consulting Engineers in the amount of \$479,297.00, and authorize the General Manager to execute the agreement with AKM. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

- B. Appointment of Labor Negotiators Regarding Meet and Confer with American Federation of State, County, and Municipal Employees, LOCAL 1734-01 **(Roll Call Vote)**

A staff report and recommendations were provided and considered by the Board. A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to appoint Finance/HR Director Robert Housley and labor attorney Joseph Larsen to serve as the Board's designated labor representatives for the purpose of conducting labor negotiations with AFSCME Local 1734. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

- C. Consider Approval of the Outreach Committee Recommendations **(Roll Call Vote)**

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 staff's recommendation. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

## **INFORMATIONAL ITEMS**

None

## **BOARD CONCERNS/COMMENTS**

Director M. Nguyen thanked staff for organizing the Holiday dinner and said it was a great turnout.

Director S. Contreras congratulated K. Robbins on his retirement.

Director A. Nguyen thanked GM K. Robbins for his 23 years of service to the District.

Director C. Nguyen thanked GM K. Robbins for his dedication to the District.

President T. Diep shared that GM K. Robbins has done a great job at making sure the Directors and staff work well together. President T. Diep thanked GM K. Robbins for his service.

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

GM K. Robbins thanked everyone for their kind words.

Finance/HR Director R. Housley reminded the Board of the MCSD Luncheon on December 21st.

## **GENERAL COUNSEL CONCERNS/COMMENTS**

Director S. Contreras left the meeting at 6:43 P.M.

At President Diep's direction, General Counsel, J. Eggart convened the meeting into closed session at 6:44 P.M. pursuant to Government Code Section 54957.6, as identified on the agenda as item 14.A, in order for the Board to confer with its designated Labor Negotiator representatives. General Counsel Eggart noted that Robert Housley and Joseph Larsen were the Designated Representatives, as appointed in open session.

## **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: To be Appointed in Open Session (Robert Housley and Joseph Larsen were appointed in Open Session)  
Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

Director C. Nguyen left the meeting at 7:02 P.M.

President T. Diep reconvened the open session portion of the meeting at 7:03 P.M.

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

## **ADJOURNMENT**

President T. Diep adjourned the meeting at 7:04 P.M. to the next Board meeting to be held at the District on Tuesday, January 3, 2023 at 5:30 P.M.

Andrew Nguyen  
Andrew Nguyen, Secretary