

**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**

January 3, 2023

CALL TO ORDER

President Pro Tem M. Nguyen called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, January 3, 2023 at 5:46 PM.

BOARD MEMBERS PRESENT:

Tyler Diep arrived at 5:55 PM
Andrew Nguyen
Chi Charlie Nguyen
Sergio Contreras
Mark Nguyen

STAFF PRESENT:

Robert Housley, Interim General Manager
Cynthia Olsder, Executive/Board Secretary

OTHERS PRESENT:

James Eggart, General Counsel

BOARD MEMBERS ABSENT:

PLEDGE AND INVOCATION

Director S. Contreras led the Pledge of Allegiance. Interim GM R. Housley gave the Invocation.

PUBLIC COMMENTS

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF DECEMBER 20, 2022,
THE MINUTES OF THE SPECIAL MEETING OF DECEMBER 16, 2022, AND THE SPECIAL
MEETING OF DECEMBER 9, 2022 *(Roll Call Vote)***

A motion was made by Director S. Contreras, seconded by Director A. Nguyen, to approve the minutes of the regular meeting of December 20, 2022, the special meeting of December 16, 2022, and the special meeting of December 9, 2022. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

APPROVAL OF EXPENDITURES

(Roll Call Vote)

A. Demands in the amount of \$382,871.97

#	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	14239	12/19	312.83	AT&T Mobility (First Net)	Cell phone service
2	14240	12/19	510.00	Ayala's Car Wash	Washing and cleaning of district's fleet
3	14241	12/19	367.00	Be Safe Fire Protection	Annual maintenance fire extinguisher (57)
4	14242	12/19	2,090.94	Chevron Texaco (Wex Bank)	Gasoline and diesel fuel for Nov-2022
5	14243	12/19	1,233.03	Clean Energy	CNG Station troubleshoot ESD
6	14244	12/19	400.00	Country City Towing	Tow service for NG-6
7	14245	12/19	2,212.50	CRC Cloud	RingCentral phone system implementation
8	14246	12/19	1,200.00	Frog Environmental	Rain water monitoring 7/2022
9	14247	12/19	11.45	Hillco Fastener Warehouse Inc.	Restock bolts for Solid Waste
10	14248	12/19	254.48	Pitney Bowes Global Financial Services	Postage Machine 1/23-4/23
11	14249	12/19	264.71	PSI	Parts and labor for wash rack machine
12	14250	12/19	980.00	Reliable Monitoring Services	Calibration of gas detection system
13	14251	12/19	4,317.26	SDRMA - Employee Benefits	Dental and vision benefits
14	14252	12/19	788.11	Snap-On Tools	Tools for Service truck and repair electrical tools
15	14253	12/19	697.11	SoCal Auto & Truck Parts, Inc.	Tools and supplies for shop use
16	14254	12/19	63.67	SoCalGas	Natural Gas for offices, shop, and wash rack
17	14255	12/19	1,349.00	Spectrum Enterprise (Time Warner Cable)	Internet Services Dec-2022
18	14256	12/19	18,512.00	State Water Resources Control Board	Annual permit fee 7/2022-6/2023
19	14257	12/19	589.88	UniFirst Corporation	Employee uniform & laundry services
20	14258	12/19	9,404.00	Woodruff, Spradlin & Smart	Legal Services Nov -2022
21	14259	12/19	14,026.65	US Bank Corporate Payment System	District credit cards
22	14260	12/21	4,243.43	The SmoKing Ribs LLC	Employee appreciation bbq
23	14261	12/22	467.72	AT&T (Brookhurst Lift Station)	Brookhurst Nov - 2022
24	14262	12/22	285.47	Cameron Welding Supply	Oxygen and propane for shop
25	14263	12/22	84.94	City of Westminster Hydrant	Hydrant water service Dec-2022
26	14264	12/22	120.00	Costco Wholesale	2023 Annual Membership
27	14265	12/22	248.34	CR&R Incorporated	Bins for Clean-Up Event Nov-22
28	14266	12/22	179.88	Cynthia Loan Olsder	Costco gift card for Ken
29	14267	12/22	200.70	Pitney Bowes/Purchase Power	Postage for Nov -2022
30	14268	12/22	6,000.00	Rengel + Company Architects, Inc	Building project management Nov - 2022
31	14269	12/22	48,621.22	Sierra Container Group, LLC	Restock (816) 65-gallon black carts
32	14270	12/22	8,014.65	Southern California Edison	District Offices, CNG station, and lift stations
33	14271	12/22	239.32	UniFirst Corporation	Employee uniform & laundry services
34	14272	12/23	183,994.39	CR Transfer, Inc.	Residential solid waste & organic tonnage fees
35			\$ 312,284.68	CHECKS SUBTOTAL	
36					
46				ACH PAYMENTS:	MEMO
47	ACH	1/3	\$ 63,712.82	CalPERS	Active Employee and Retiree Health Ins Premiums Jan-22
48	ACH	1/3	\$ 6,874.47	CalPERS	Board of Directors Health Insurance Premiums for Jan-22
49			\$ 70,587.29	ACH TRANSFERS SUBTOTAL	
50					
51			\$ 382,871.97	TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)	

A motion was made by Director M. Nguyen, seconded by Director C. Nguyen, to approve the expenditures in the amount of \$382,871.97. The motion was approved by the following 4-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

REPORTS

Report of Interim General Manager

Interim GM, R. Housley reported that the Christmas Tree Recycling Program will take place during the first two weeks of January.

Interim GM, R. Housley reported that OC Waste & Recycling and CR&R have reached out to all of the Commercial bin owners regarding the compliance of SB 1383.

Interim GM, R. Housley reported that Director of Operation, Nick Castro, is assisting in getting quotes for up to three new CNG trucks. The reason is that it takes 12 to 18 months from the time the truck is ordered until it is delivered. The District's CNG trucks are 8 to 9 years old, and they are gradually breaking down.

Interim GM, R. Housley reported that the District has only received four applications for the Engineering position, and the deadline to apply is on January 14, 2023. The next step is to advertise the position on Indeed, a job-search website, in an effort to attract more candidates. Additionally, since a fourth mechanic is planned for this year's budget and the District has a large pool of qualified employees to promote, the District will begin the hiring process for a Relief Driver/Utility Worker.

President T. Diep arrived at 5:55 P.M. and assumed chairmanship of the meeting.

Report from the MCSD Luncheon on December 21, 2022

All of the Directors attended the event. Director A. Nguyen reported that former GM K. Robbins appeared content. Director A. Nguyen also reported that it was a good turnout with good food.

Director S. Contreras reported that former GM K. Robbins appeared to enjoy the luncheon while surrounded by his family, friends and coworkers.

Report of President

President T. Diep reported that he had made some recommendations for the Outreach Committee to consider at its upcoming meeting.

CONSENT CALENDAR

A. Approve Interim General Manager, Robert Housley's, Vacation Request for June 16, 2023 through June 30, 2023 for a total of Eleven (11) Days and Approve Acting Pay for Director of Operations/Safety, Nick Castro, for the Eleven (11) Days.

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve Interim General Manager, Robert Housley's, vacation request and approve acting pay for Director of Operations/Safety, Nick Castro, for eleven days. 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 Level of Participation by Midway City Sanitary District in the 2023 Tet Parade on Sunday, January 22, 2023

A staff report and recommendations were provided and considered by the Board. Interim GM Housley noted that the City of Westminster was organizing and putting on the Tet Parade in the City and had requested that the District provide in-kind solid waste services and pickup on the parade route, which would consist of the District providing carts prior to the event, collecting filled carts, and taking the collected waste to the Material Recovery Facility. It was noted that such services were within the District's purposes and mission and would enable the District to ensure that a sanitary environment was maintained and that the waste generated from this large event was appropriately disposed of and properly sorted. It was further noted that the estimated cost to provide such services was between \$6,000 to \$8,000. Options for additional financial partnership and/or sponsorship were also presented. It was noted that participating in and sponsoring the parade would provide the District Board with an opportunity to directly promote the District and its services, including its recycling and organic waste diversion services, to residents of the District. It was noted that the City would recognize the District as a Platinum Sponsor in exchange for an investment of \$10,000, which would entitle the District to participate in the parade, take advantage of premium advertising in event materials, and be promoted in other media related to the event. It was further noted that the Board previously approved the recommendation of the Outreach Committee that the District provide vehicles for the Board to participate in the parade and to purchase hats with the District logo to be distributed at the parade in order to promote the District.

President T. Diep proposed that the District Staff approach the City and offer to provide a \$5,000 financial contribution, as well as providing in-kind waste collection services, in exchange for being recognized as a Platinum Sponsor of the event; and if the City of Westminster rejects the request, to only provide in-kind waste collection service.

General Counsel J. Eggart recommend that the Board should make legislative findings outlining the rationale for and public benefit conferred by making any financial contribution to the event.

A motion was made by Director A. Nguyen, seconded by Director M. Nguyen, (1) to direct staff to propose to the City of Westminster that the District be recognized as a Platinum Sponsor of the event in exchange for providing a \$5,000 financial contribution and in-kind solid waste collection services valued at least \$5,000 and, if accepted, to submit the sponsorship form, and, if not accepted, to provide in-kind solid waste collection services along the parade route only; and (2) to make the legislative finding that the District's participation in and sponsorship of the Tet Parade as proposed will help bring awareness to the District's recycling effort and organic waste recycling efforts and promote the District's functions to residents and customers of the District. Further discussion ensued. Director A. Nguyen, seconded by Director M. Nguyen, made an amended motion to add to the main motion a further provision to authorize President T. Diep to appoint a Board Member and alternate to represent the District in meetings with the parade organizers. The amended 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:

Following the vote, President Diep advised the Board that he was appointing Director A. Nguyen to serve as the District's representative in planning meetings, with Director S. Contreras as an alternative representative.

B. Discuss, Receive and File the Interim General Manager's Goals for 2023

A staff report and recommendations were provided and considered by the Board. Director Contreras commented that the Board should consider and develop specific goals and expectations for the Interim General Manager. President Diep suggested planning a special meeting for a Board retreat to brainstorm and develop specific short-term and long-term goals. Interim GM Housley agreed such a session or retreat would be beneficial. A motion was made by Director S. Contreras, seconded by Director M. Nguyen, to receive and file the report of the Interim General Manager's Goals for 2023 as presented. 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. RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, MAKING SPECIFIED FINDINGS AND REAUTHORIZING THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 AND GOVERNMENT CODE SECTION 54953(e) FOR MEETINGS OF THE MIDWAY CITY SANITARY DISTRICT BOARD OF DIRECTORS AND OTHER DISTRICT COMMITTEES SUBJECT TO STATE OPEN MEETINGS LAWS

A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to approve adoption of Resolution No. 2023-01. 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

- A. State Water Board Adopts New Sanitary Sewer Systems Waste Discharge Requirements
- B. ISDOC VIRTUAL Quarterly Luncheon - Thursday, January 26, 2023

Receive and file.

BOARD CONCERNS/COMMENTS

The Board thanked staff.

GM/STAFF CONCERNS/COMMENT

Interim GM, R. Housley, reminded the Directors of the upcoming Outreach Committee Meeting on Wednesday, January 4, 2023 and the Franchise Committee Meeting on Friday, January 13, 2023 at 9 AM.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel J. Eggart commented that at a previous meeting the Board President has asked him to research whether the Levine Act applied to the Board's approval of payments and demands involving checks to vendors. General Counsel Eggart briefly summarized the Levine Act's provisions and prior FPPC opinions interpreting its scope and advised the Board that the answer to the question was unclear and that further clarification from the FPPC would be needed to know for sure. General Counsel Eggart also advised that the Levine Act may apply in the context of approval of Outreach Committee recommendations. Some of the Board members indicated they may be interested in seeking an FPPC opinion.

General Counsel Eggart advised the Board that he would agendaize discussion of authorizing him to seek such an opinion for a future meeting.

General Counsel J. Eggart advised the Board that the Agenda included a closed session item in order for the Board to confer with its designated Labor Negotiator representatives. Interim GM, R. Housley stated that additional time was needed to compile necessary supporting information and recommended deferring the closed session discussion until the next meeting.

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: Interim General Manager Robert Housley and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

The Board did not convene into closed session.

ADJOURNMENT

President T. Diep adjourned the meeting at 6:35 PM to the next Board meeting to be held at the District on Tuesday, January 17, 2023 at 5:30 PM.

Andrew Nguyen

Andrew Nguyen, Secretary