

**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**

**February 20, 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, February 20, 2024 at 5:37 PM.

**BOARD MEMBERS PRESENT:**

Mark Nguyen  
Chi Charlie Nguyen  
Andrew Nguyen  
Sergio Contreras  
Tyler Diep

**STAFF MEMBERS PRESENT:**

Ashley Davies, Acting General Manager  
Milo Ebrahimi, District Engineer, P.E  
Cynthia Olsder, Executive/Board Secretary

**OTHERS PRESENT:**

James H. Eggart, General Counsel Woodruff & Smart  
Joseph D. Larsen, Labor Counsel Rutan & Tucker, LLP (via telephone)  
Gonzalez Family  
LaFreniere Family  
Riley Westlund

**PLEDGE OF ALLEGIANCE AND INVOCATION:**

Director C. Nguyen led the Pledge of Allegiance. Director S. Contreras gave the Invocation.

**PUBLIC COMMENTS:**

None

President M. Nguyen requested that new business scheduled as Item 8A be moved up on the Agenda. Director C. Nguyen made a motion, which was seconded by Director T. Diep, to move the matter before approval of the minutes of the regular meeting on February 6, 2024. The motion was approved by the following 5-0 call vote.

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

**NAYS:**

**ABSTAIN:**

**ABSENT:**

**NEW BUSINESS:**

A. Special Recognition and Appreciation of Student Volunteers

The Board recognized and presented certificates to the following students who volunteered in service of the District in the past year: Maleigh LaFreniere, Leslie Gonzalez, and Riley Westlund.

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON FEBRUARY 6, 2024:**

A motion was made by Director A. Nguyen, seconded by Director T. Diep, to approve the minutes of the Regular Meeting on February 6, 2024. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

**REPORTS:**

**Report of President**

President M. Nguyen reported that he's thinking of and praying for the family of GM R. Housley.

**Report of Acting General Manager**

Acting GM A. Davies provided information on upcoming events and updates on what was happening at the District.

**Director of Services & Program Development**

None

**Report of Outreach Committee Meeting on February 7, 2024**

Director C. Nguyen and Director T. Diep attended the meeting to discuss the outreach schedule for March.

**Report of Westminster Tet Parade on February 10, 2024**

The Directors were all present at the event and felt it went well and was well attended.

**Report of Me Vietnam Radio on February 15, 2024**

Director C. Nguyen and Director A. Nguyen attended the radio recording to provide information on SB 1383, the District's services and upcoming events.

**Report of VietLink Radio on February 15, 2024**

Director C. Nguyen and Director S. Contreras attended the radio recording to provide information on SB 1383, the District's services and upcoming events.

**CONSENT CALENDAR:**

- A. Received and File the Register of Demands in the Amount of \$979,038.62
- B. Received and File the Treasurer's Investment Report for January 2024
- C. Received and File the 2<sup>nd</sup> Quarter 2023-2024 Fiscal Year Financial and Budget Reports
- D. Received and File the Engineer Report for January 2024

E. Approve the February 7, 2024 Outreach Committee Recommendations

A motion was made by Director C. Nguyen, 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, C. Nguyen, T. Diep

NAYS:

ABSTAIN:

ABSENT:

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**B. CONSIDERATION OF RESOLUTION NO. 2024-03 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, ADOPTING A REVISED POLICY REGARDING BOARD OF DIRECTORS ABSENCES AND ATTENDANCE AT MEETINGS**

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director T. Diep, seconded by Director A. Nguyen, to adopt Resolution No. 2024-03 as presented at the meeting. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

**INFORMATIONAL ITEMS:**

None

**BOARD CONCERNS AND COMMENTS:**

None

**GM/STAFF CONCERNS AND COMMENT:**

None

**GENERAL COUNSEL CONCERNS AND COMMENTS:**

None

General Counsel, J. Eggart convened the meeting to closed session at 5:52 P.M. for consideration of the following three matters identified on Agenda pursuant to applicable law.

**CLOSED 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 Robert Housley and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957(b)(1)) Title: General Manager
- C. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6) Title: Agency Designated Representatives: Sergio Contreras, Andrew Nguyen, and James Eggart Unrepresented Employee: Robert Housley

President M. Nguyen reconvened the open session portion of the meeting at 5:58 P.M.

General Counsel J. Eggart reported that the Board had met in closed session as identified on Agenda Item 13A, and that no reportable action had been taken. General Counsel J. Eggart also reported that the Board determined not to meet on Agenda Items 13B, and 13C at this time.

**OPEN SESSION ITEM AFTER CLOSED SESSION:**

- A. Discuss and Consider Approval of Award of Performance Bonus and/or Increase to General Manager Salary or Compensation Pursuant to General Manager Employment Agreement and Direction to General Counsel to Prepare Ratifying Resolution

General Counsel Eggart advised the Board that no discussion or action by the Board on Agenda Item 14A was needed at this time and recommended that the Board continue this item and direct Staff to place it and the same Closed Session matters on the Agenda for the next Regular Meeting. A motion was made by President M. Nguyen, seconded by Director T. Diep, to table item 14A and to direct Staff to place the matters identified as Items 13B, 13C, and 14A on the Agenda for the March 5, 2024 regular meeting. The motion was approved by the following 5-0 vote:

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

**ADJOURNMENT:**

President M. Nguyen adjourned the meeting at 5:58 P.M. to the next Board Meeting to be held at the District on Tuesday, March 5, 2024, at 5:30 P.M.

  
\_\_\_\_\_  
Andrew Nguyen, Secretary