

**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**

**December 19, 2023**

**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, December 19, 2023 at 5:31 P.M.

**BOARD MEMBERS PRESENT:**

Mark Nguyen  
Tyler Diep (arrived @ 5:32)  
Chi Charlie Nguyen  
Andrew Nguyen  
Sergio Contreras (arrived @ 5:34)

**STAFF MEMBERS PRESENT:**

Nicolas Castro, Acting General Manager  
Siamlu Cox, Director of Finance & HR  
Milo Ebrahimi, District Engineer, P.E  
Ashley Davies, Director of Servs. & Program Development  
Cynthia Olsder, Executive/Board Secretary

**OTHER MEMBERS PRESENT:**

James H. Eggart, General Counsel Woodruff & Smart (via audio)  
Joseph Larsen, Labor Counsel Rutan & Tucker, LLP

**PLEDGE AND INVOCATION**

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

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON DECEMBER 5, 2023**

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve the minutes of the Regular Meeting on December 5, 2023. The motion was approved by the following 3-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep, S. Contreras

Director T. Diep arrived at 5:32 PM.

Director S. Contreras arrived at 5:34 PM

## APPROVAL OF EXPENDITURES

### A. Demands in the amount of \$779,311.09

	CK #	DATE	AMOUNT	VENDOR CHECKS:	MEMO:
1	15155	11/30	16,315.00	AKM Consulting Engineers, Inc.	Sewer System Master Plan 10/02/23 - 10/27/23
2	15156	11/30	4,602.64	Alignment Express of CA, Inc.	Repairs to NG-13
3	15157	11/30	534.76	AT&T (Brookhurst Lift Station)	Brookhurst Nov-2023
4	15158	11/30	970.00	Ayala's Car Wash	Fleet Wash
5	15159	11/30	1,656.49	Betts Truck Parts & Service	NG-1 walking beam   Qwik-Fit Composite Fitting (20)
6	15160	11/30	3,208.42	Bodyworks Equip. Inc.	Air Cylinder (5), Rr Pivot Hose Kit (2), Spring (10),
7	15161	11/30	233.00	Cameron Welding Supply	In/Out Cyl. Cushion Kit (3), 2" Cam Follow...
8	15162	11/30	84.94	City of Westminster Hydrant	CO2, Compressed (1), Propane (2), Grinding Whl (10)
9	15163	11/30	300.00	Country City Towing	Hydrant Water Service Nov-2023
10	15164	11/30	4,436.99	CRC Cloud	Tow service for NG-5
11	15165	11/30	3,210.45	Cummins Pacific LLC	Maintenance & Support Dec-2023   Replacement Laptop for GM
12	15166	11/30	500.00	Cynthia Loan Olsder	Seal, O Ring (50), Spark Plug Kit (12), Ignition Coil Extension (12), Breather Housing (2), Seal...
13	15167	11/30	7,814.49	Daniels Tire Service	Reimbursement for construction damage
14	15168	11/30	43,571.43	Dntech	Recap and Front Tires
15	15169	11/30	625.90	Frontier Communications	2024 District Calendar Printing & Mailing
16	15170	11/30	835.77	Motion and Flow Control Products, Inc.	September 2023
17	15171	11/30	1,833.39	NVB Equipment, Inc.	Crimp, 1/2" Female
18	15172	11/30	549.58	Plumbers Depot Inc.	A/C Repair NG-10
19	15173	11/30	33.90	Pre-Paid Legal Services, Inc.	Tiger Tail (3), Grit/Debris Catcher and Scoop (1)
20	15174	11/30	2,493.00	Rengel + Company Architects, Inc	Prepaid legal Nov-2023
21	15175	11/30	980.00	RMS	Bldg Proj Mgt November-2023
22	15176	11/30	270.34	Safety-Kleen Systems, Inc.	Calibration of Gas Detection System
23	15177	11/30	146.78	Snap-On Tools	Wash Part Cleaner
24	15178	11/30	2,317.45	Southern California Edison	Tools for Shop
25	15179	11/30	2,368.44	Southwest Sign Company	November 2023
26	15180	11/30	98.02	Spectrum Enterprise (Time Warner Cab	Building Dedication Plaque
27	15181	11/30	1,544.24	Standard Insurance Company Life	Nov-2023
28	15182	11/30	5,653.86	TEC Of California, Inc.	Dec-2023
29	15183	11/30	1,465.29	Tell Steel	Restock relays, rotors, drain valves, brake pads & ignition switches   T Beam Assembly - NG1
30	15184	11/30	325.83	UniFirst Corporation	Metal plates (10) Solid Waste trucks
31	15185	11/30	1,870.00	VNCR	November - 2023
32	15186	11/30	402,094.86	Woodcliff Corporation - Contractor	Radio talk show 17 min (4) 11/21/23 - 12/14/23
33	15187	11/30	21,162.89	Woodcliff Corporation - Escrow Account	Building Project Pay App #13 Oct 2023
34	15188	12/1	254.48	Pitney Bowes Global Financial Services	Building Project #13 Oct 2023 - Retention Payment
35			\$ 534,362.63	<b>ACH TRANSFERS SUBTOTAL</b>	Postage Machine 10/10/23 - 01/03/24
36					
37				<b>PAYROLL:</b>	<b>MEMO</b>
36		11/29	\$ 98,713.67	Paychex	Employee Payroll - Checks, Taxes, & Direct Deposits
39		11/29	\$ 5,903.16	Nationwide	457 Deferred Compensation (Employees)
38		12/1	\$ 7,657.46	Paychex	Board Payroll - Checks, Taxes, & Direct Deposits
41		12/1	\$ 801.00	Nationwide	457 Deferred Compensation (Board)
42			\$ 113,075.29	<b>PAYROLL SUBTOTAL</b>	
43					

43					
44				<b>ACH PAYMENTS:</b>	<b>MEMO</b>
45	11/29	\$ 15,827.34	US Bank Corporate Payment System		District CAL-Card Payments November 2023
46	11/29	\$ 19,824.19	CalPERS-Retirement		Earned Period 10/30/23-11/12/23
47	12/1	\$ 19,712.46	CalPERS-Retirement		Earned Period 10/30/23-11/12/23
48	12/4	\$ 69,635.12	CalPERS - Health Benefits		December 2023
49	12/4	\$ 6,874.06	CalPERS - Health Benefits		December 2023
50		\$ 131,873.17	<b>ACH TRANSFERS SUBTOTAL</b>		
51					
52		\$ 779,311.09	<b>TOTAL EXPENDITURES (ACCOUNTS PAYABLE CHECKS, PAYROLL, ACH TRANSFERS)</b>		
53					
54			<b>BANK TRANSFERS:</b>		
55		\$ -	<b>BANK TRANSFERS</b>		

A motion was made by Director C. Nguyen, seconded by Director A. Nguyen, to approve the expenditures in the amount of \$779,311.09. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

President M. Nguyen requested that the closed session scheduled as Item 14 on the Agenda be moved up. Director T. Diep made a motion, which was seconded by Director A. Nguyen, to move item 14 to before Reports. 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:

General Counsel, James Eggart convened the meeting to closed session at 5:37 P.M. pursuant to Government Code Section 54957.6, as identified on the agenda as item 14A, in order for Board to confer with its designated Labor Negotiator representatives. General Counsel J. Eggart noted that the District's designated representatives were identified on the Agenda.

### 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: Acting General Manager Nicolas Castro, Director of Finance & HR Siamlu Cox and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

President M. Nguyen reconvened the open session portion of the meeting at 6:15 P.M.

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

## **REPORTS**

### **Report of President:**

President M. Nguyen sent Director C. Nguyen his condolences on the passing of his sister.

### **Report of General Manager**

Acting General Manager, N. Castro, reported that the first of the three solid waste trucks has arrived.

### **Report of Director of Services & Program Development**

Director of Services & Program Development A. Davies reported that the 2024 Calendar has been mailed out, that she attended the Westminster City Council meeting to provide information about the District's 2024 events, that all the preparations for the Open House are going smoothly, and that plans are underway for another school outreach event.

### **Report of Outreach Committee Meeting on December 6, 2023**

Director T. Diep and Director C. Nguyen both attended the meeting to discuss the Open House plans and the sponsorship guidelines.

### **Report of Assemblyman Tri Ta Open House on December 7, 2023**

Director C. Nguyen, Director T. Diep, President M. Nguyen, and Director A. Nguyen attended the event with Staff and reported that it was well attended and informative.

### **Report of Outreach Me Vietnam Radio on December 13, 2023**

Director T. Diep and President M. Nguyen attended the radio recording to provide information on SB 1383, the District's services and upcoming events.

### **Report of Outreach VietLink Radio on December 14, 2023**

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

### **Report of OC San Board of Directors Meeting on December 14, 2023**

Director A. Nguyen reported that OC San's Plan No.1 has been recognized by Cal/OSHA as a Voluntary Protection Program (VPP) STAR Status recipient, which is the highest level an organization can receive.

**Report of District Annual Holiday Dinner on December 17, 2023**

President M. Nguyen, Director S. Contreras, Director C. Nguyen, and Director A. Nguyen attended the event and reported that the event was a success and a great opportunity to recognize some staff for their outstanding customer service.

**Report of Building Project Ad Hoc Committee Meeting on December 19, 2023**

Acting General Manager N. Castro provided an update on the building project and reported that although the outside landscaping may be impacted by the rain in the coming days, overall, the project is proceeding according to schedule.

**CONSENT CALENDAR**

- A. Approve and File the Treasurer’s Investment Report for November 2023
- B. Received and File the June 30, 2023 Actuarial Valuation and GASB 75 report on other Post-Employment Benefits (OPEB) Liabilities of the Midway City Sanitary District for Fiscal Year Ending June 30, 2024
- C. Approve the Engineer Report for December 2023
- D. Approve the December 6, 2023 Outreach Committee Recommendations
- E. Approve General Manager, Robert Housley’s, Request for Leave Starting December 11, 2023 through December 22, 2023, and Approve Acting Pay for Director of Operations/Safety, Nicolas Castro

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

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

**OLD BUSINESS**

None

**NEW BUSINESS**

- A. RESOLUTION NO. 2023-21

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ESTABLISHING UPDATED PROCEDURES FOR THE PAYMENT OF CLAIMS AND DEMANDS.

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 adopt Resolution No. 2023-21, to direct Staff to include Board review of expenditures as a receive and file item on the Consent Calendar portion of future agendas, and to direct Staff to bring back a resolution to update the Board Policies and Procedures accordingly. The motion was approved by the following 5-0 roll call vote:

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

NAYS:

ABSTAIN:

ABSENT:

- B. Consider Proposals for the 2024 Sewer Mains CCTV Video Inspection and Cleaning Project; Staff's Recommendation that the Board of Directors Authorize the General Manager to Enter into a Professional Services Agreement with Empire Pipe Cleaning and Equipment, Inc. for the Project in an Estimated Amount of \$1,867,691.44; and Approval of a Corresponding Budget Adjustment

A staff report and recommendation were provided and considered by the Board. A motion was made by Director T. Diep, seconded by Director A. Nguyen, (1) authorize the General Manager to enter into and execute a Professional Services Agreement with Empire Pipe Cleaning and Equipment, Inc. for the 2024 MCSD Sewer System CCTV Video Inspection and Cleaning Project pursuant to its Proposal dated December 5, 2023, and in a form substantially similar to the Sample Agreement contained within the Request for Proposals for the Project; (2) authorize staff to thereafter issue Notice to Proceed for the Project; and (3) amend the Fiscal Year 2023/2024 Budget to (a) increase the Sewer System CCTV video Inspection and Cleaning project budget from \$1,200,000 to \$2,054,461; and (b) decrease the Lift Stations & Sewer Lines reserves budget from \$30,315,430 to \$29,460,969. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

- C. Consider Approval of Sponsorship Solicitation and Sponsorship Levels and Benefits for February 3, 2024 Open House Event

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 and authorize Staff to solicit sponsorships for the February 3, 2024 Open House event and approve the sponsorship levels, sponsor benefits and other details contained in the Sponsorship Package presented at the meeting. The motion was approved by the following 5-0 vote:

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

NAYS:

ABSTAIN:

ABSENT:

**INFORMATIONAL ITEMS**

None

**BOARD CONCERNS/COMMENTS**

Director C. Nguyen expressed that he would like to be informed about the process of having the District recognized.

All the Directors thanked Staff for their hard work this month.

**GM/STAFF CONCERNS/COMMENT**

None

**LEGAL COUNSEL CONCERNS/COMMENTS**

None

**ADJOURNMENT**

President M. Nguyen adjourned the meeting at 6:53 P.M to the next Board Meeting to be held at the District on Tuesday, January 2, 2024, at 5:30 P.M.



Andrew Nguyen, Secretary