

**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 6, 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 6, 2024 at 5:32 PM.

BOARD MEMBERS PRESENT:

Mark Nguyen
Chi Charlie Nguyen
Andrew Nguyen
Sergio Contreras
Tyler Diep (arrived @ 6:30 PM)

STAFF MEMBERS PRESENT:

Robert Housley, General Manager
Milo Ebrahimi, District Engineer, P.E
Ashley Davies, Director of Servs. & Program Development
Cynthia Olsder, Executive/Board Secretary

OTHER STAFF MEMBERS PRESENT:

James H. Eggart, General Counsel Woodruff & Smart
Joseph D. Larsen, Labor Counsel Rutan & Tucker, LLP

PLEDGE OF ALLEGIANCE AND INVOCATION:

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

PUBLIC COMMENTS:

None

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON JANUARY 16, 2024 AND
OF THE MINUTES OF THE SPECIAL MEETING ON JANUARY 31, 2024:**

A motion was made by Director A. Nguyen, seconded by Director S. Contreras, to approve both the minutes of the Regular Meeting on January 16, 2023 and of the Special Meeting on January 31, 2024. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

REPORTS:

Report of President

None

Report of General Manager

GM R. Housley reported on events occurring at the District.

Report of Director of Services & Program Development

Director of Services & Program Development A. Davies provided updates on the Westminster Tet Parade. She reported that she attended the Westminster Tet Planning Meeting along with Director A. Nguyen. She also gave an update on the Clean-up event at Liberty Park in March.

Report of Building Project Ad Hoc Committee Meeting on January 17, 2024

Director S. Contreras reported that both he and President M. Nguyen were present at the meeting and provided an update on the building project.

Report of OC San Board of Directors Meeting on January 17, 2024

Director A. Nguyen provided updates on the activities and events taking place at OC San.

Report of District Employee Luncheon on January 24, 2024

President M. Nguyen, Director C. Nguyen, Director T. Diep, and Director A. Nguyen attended the luncheon to recognize some staff for their outstanding accomplishments.

Report of ISDOC Quarterly Meeting on January 31, 2024

Director A. Nguyen and Director S. Contreras reported that they attended the event and provided information about it.

Report of District Open House on February 3, 2024

All of the Directors attended the event, and each shared their opinions.

CONSENT CALENDAR:

- A. Received and File the Register of Demands in the Amount of \$909,625.06
- B. Recognition and Approval of a 20-year Accident and Injury Free Award for Sewer Maintenance Pump Mechanic, Miquel Jimenez, in the amount of \$750.00

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 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

OLD BUSINESS:

- A. Consider Approval of Media Plan

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director S. Contreras, seconded by Director C. Nguyen, to approve the proposed Media Plan attached to the staff report as presented. The motion was approved by the following 4-0 vote:

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

NEW BUSINESS:

A. Approve the Budget Calendar for Fiscal Year 2024-2025 and Schedule Public Budget Workshops

A staff report and recommendations were provided to and considered by the Board. A motion was made by Director S. Contreras, seconded by President M. Nguyen, to table the matter and direct staff to place on the agenda for the February 16, 2024 special meeting (1) consideration and approval of the budget calendar for Fiscal Year 2024-2025 and scheduling of public budget workshops and (2) rescheduling of the strategic planning workshops. The motion was approved by the following 4-0 vote:

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

B. RESOLUTION NO. 2024-02

CONSIDERATION OF RESOLUTION NO. 2024-02 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, ADOPTING A REVISED POLICY REGARDING BOARD OF DIRECTORS DAYS OF SERVICE PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 6489.

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. 2024-02 as presented at the meeting. The motion was approved by the following 4-0 roll call vote:

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

C. Review and Discussion of Board Policy Regarding Board of Director Absences and Attendance at Meetings

A staff report and a copy of the existing Board Policy Regarding Board of Director Absences and Attendance at Meetings were provided to and considered by the Board. The Board discussed the Policy and provided comments and suggestions for revisions. A motion was made by Director C. Nguyen, seconded by Director S. Contreras, to direct Staff to prepare a Resolution for consideration by the Board at the February 20, 2024 Regular Meeting adopting a revised Policy incorporating the following changes to Section D of the Policy pertaining to Use of Teleconference Meetings for Board and Subcommittee Meetings: (1) increasing the number of times a Director may exercise the option to participate in a meeting by teleconference from twice to four times in a calendar year; and

(2) decreasing the number of days in advance a Director who wishes to participate in a Board meeting via teleconference is required to notify the General Manager from five days to four days. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

D. Appointment of Labor Negotiators(s) For Purposes of Conducting Labor Negotiations with General Manager

A staff report and recommendations were provided to and considered by the Board. A motion was made by President M. Nguyen, seconded by Director C. Nguyen, to appoint Director S. Contreras, Director A. Nguyen, and General Counsel J. Eggart to serve as the Board's designated representatives for purposes of conducting labor negotiations with General Manager, an unrepresented employee, pursuant to Government Code Section 54957.6. The motion was approved by the following 4-0 vote:

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

NAYS:

ABSTAIN:

ABSENT: T. Diep

INFORMATIONAL ITEMS:

None

President M. Nguyen requested that the closed session scheduled as Item 13 be moved up on the Agenda and the other Board Members provided their consent.

With the consent of the full Board, General Counsel, J. Eggart convened the meeting to closed session at 6:26 P.M. for consideration of the following three matters identified on Agenda pursuant to applicable law and noted that the Board's designated labor representatives for Item 13C are Director S. Contreras, Director A. Nguyen, and General Counsel J. Eggart, as appointed by the Board earlier in the meeting.

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) Agency
Designated Representatives: To be Appointed in Open Session Unrepresented Employee: Robert
Housley

Director T. Diep arrived at 6:30 P.M.

President M. Nguyen reconvened the open session portion of the meeting at 7:01 P.M.

General Counsel J. Eggart reported that the Board had met in closed session as identified on Agenda Items 13A, 13B, and 13C, and that no reportable action had been taken.

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 Director S. Contreras, seconded by Director A. Nguyen, to table item 14A and to direct Staff to place the matters identified at Items 13A, 13B, 13C, and 14A on the Agenda for the February 20, 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:

BOARD CONCERNS AND COMMENTS:

The Directors all thanked staff for their hard work at the Open House.

GM/STAFF CONCERNS AND COMMENT:

None

GENERAL COUNSEL CONCERNS AND COMMENTS:

None

ADJOURNMENT:

President M. Nguyen adjourned the meeting at 7:07 P.M. to the next Board Meeting to be held at the District on Tuesday, February 20, 2024, at 5:30 P.M.



Andrew Nguyen, Secretary