

**MIDWAY CITY SANITARY DISTRICT  
ADJOURNED REGULAR MEETING  
BOARD OF DIRECTORS  
DISTRICT OFFICE  
14451 CEDARWOOD AVENUE  
WESTMINSTER, CA**

**January 19, 2010**

**CALL TO ORDER**

President Neugebauer called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, on Tuesday, January 19, 2010 at 2:30 p.m.

**BOARD MEMBERS PRESENT:**

Tyler Diep (arrived 2:39pm)  
Grace P. Epperson  
Joy L. Neugebauer  
Al P. Krippner (arrived 2:32pm)  
Margie L. Rice

**OTHERS AT MEETING:**

Greg Nordbak, General Manager  
Ken Robbins, Assistant General Manager  
Robert Housley, Finance Director  
Tom Nixon, District Counsel  
Julia Sales, Administrative Assistant/Receptionist  
Dave Larsen, Labor Counsel

**PLEDGE AND INVOCATION**

Director Epperson led the Pledge of Allegiance. Director Rice gave the Invocation.

**APPROVAL OF THE MINUTES OF THE MEETING ON JANUARY 5, 2010.**

A motion was made by Director Epperson seconded by Director Rice to approve the January 5, 2010 Minutes. The motion was approved by the following vote:

AYES: Directors Epperson, Krippner, Rice and Neugebauer  
NOES: None

**PUBLIC COMMENTS:**

No public comment.

# APPROVAL OF EXPENDITURES

January 19, 2010

#	CK. #	CK AMOUNT	VENDOR
1	3335	60.68	Advanced Gas Products - Cylinder Rental December 2009
2	3336	652.29	Bodyworks Equipment, Inc. - Replace Coil on T-65, Relief Valve ( T-60, T-61, T-62 ) and Link ( T-55 )
4	3337	4,859.97	CalPERS Retirement - Payroll Ending 12/27/09
5	3338	122.74	Carmenita - Level Sensor, Expansion Tank and Filler Cap for T-61 & T-62, and O-ring and fittings ( T-53 ), Credit for Invoice# CM1068097 - Core Returned
7	3339	920.56	Computer Research Center - Services for February 2010
8	3341	738.77	Dartco - S & G Mod Kit, Trans Fluid and Filter Thread Inserts
9	3342	2,587.50	DGA Consultants - Engineering Services for December 2009
10	3343	85.05	Fastenal - Re-stock Bolts and Nuts, and Push connunion ( T-57 )
11	3344	871.86	Fleet Services, Inc. - Strobe, Impact Gun for Service Truck, Sealed Beam and Re-stock Filters - Credit Ref: Invoice# 293350050 Battery Cables and Terminal
13	3345	126.17	Hose-Man, Inc. - Re-stock Fitting Hose's
14	3346	7,620.11	Hydraforce, Inc. - (T-55 )T.C. Parker Valve & ( T-54 ) Stage Hois Cylinder Parker Valve ( T-55 )
16	3347	90.00	Memorial Prompt Care - DMV Exams (2)
17	3348	495.63	Office Max - Office Supplies
18	3349	17,283.35	Orange County Sanitation District - Permit Fees December 2009
19	3350	212.98	Prudential Overall Supply - December 2009
20	3351	1,331.45	CR Transfer Inc. - Residential Waste (Tonnage) for December 2009
21	3352	95,982.31	Rainbow Disposal - Tonnage for December 2009
22	3353	437.00	Rutan & Tucker, LLP - Legal Fees December 2009
23	3354	237.51	Tec of California, Inc. - Expansion Water Tank ( T-60 )
24	3355	9.00	Underground Service Alert of Southern California - December 2009
25			Void Check #3340 Due To A Printer Malfunction
26			
27		<b>134,724.93</b>	<b>SUBTOTAL</b>
28			
29			<b>ADD HANDCUT CHECKS:</b>
30	3328	640.62	AT&T Mobility - (714) 310-2313 (KR) / 310-4406 (AC) / 310-8653 (NC)/ 310-8654 (Sewer Department) / 310-9004 (Emergency Phone)/ 325-3035 (DH)/325-3606 (DG)/ 350-0402 (JS) 917-7887 Dec. 2009
31			
32			
33	3329	106.34	City Of Westminster - Water Service for Wash Rack & Maintenance Shop Dec 2009
34	3330	59.99	DirecTV - Monthly Service January 2010
35	3331	1,013.94	Southern California Edison - District Admin, Refuse Offices, Wash Rack, Maintenance Shop, and Archives and Parking Garage Dec. 2009
36			
37	3332	8,524.00	Zenith Insurance Company - Premium Workman's Compensation Progressive Payment
38	3333	37.45	Verizon - High-speed Internet Access District Offices Jan. 2010
39	3334	493.06	Verizon - Internet Services Scada System Dec. 2009
40			

41		
42	<b>145,600.33</b>	<b>SUBTOTAL PLUS HANDCUTS</b>
43		
44		
45		<b>ADD PAYROLL, PAYROLL TAX AND DEFERRED COMPENSATION</b>
46	58,934.20	Payroll Ending 01/10/10 Staff ( Chk #14577 - 14587 Tax & Direct Deposits )
47	1,188.00	Payroll Ending 01/10/10 Nationwide Deferred Compensation
48		
49		
50	<b>205,722.53</b>	<b>TOTAL EXPENDITURES</b>

A motion was made by Director Rice seconded by Director Epperson to approve the expenditures. The motion was approved by the following vote:

AYES: Directors Epperson, Krippner, Rice and Neugebauer  
 NOES: None

**REPORT OF PRESIDENT**

President Neugebauer reported that the City of Westminster approved the Hazard Project Agreement and also awarded the bid for construction of this Project.

President Neugebauer clarified that Midway City Sanitary District received and reviewed the plans timely and clarified the size of the pipe, and the location where it will be placed.

**REPORT OF GENERAL MANAGER**

GM Nordbak reported that the preconstruction meeting on the Hazard Project is scheduled for Thursday, January 21, 2010.

GM Nordbak reported that the Bushard Project Traffic Plan was approved by the City of Westminster. The District is now waiting on approval from the City of Fountain Valley.

GM Nordbak reported he will pick up the employee winter safety jackets on Wednesday, January 20, 2010.

GM Nordbak informed the Board the renewal notice for our ISDOC membership has arrived and it will be on the next agenda for discussion per the Boards previous direction.

**REPORT FROM ORANGE COUNTY SANITATION DISTRICT MEETING**

President Neugebauer reported that the Orange County Sanitation District Operations meeting was dark and the next Directors meeting will be January 27, 2010.

President Neugebauer reported that the fuel cell development will be operational in April 2010 and there will be either a Dedication or Ceremony.

## **REPORT FROM THE MID-YEAR CASA CONFERENCE**

The Board agreed that the best session during the Conference was the CalPERS session on OPEB with emphasis on pension reform.

Director Rice emphasized that it is very important that a letter be written to give support to Senator Feinstein on the Bay Delta water issue. She felt the funds need to stay within the communities local districts. GM Nordbak will follow up and get back to the Board for further direction.

President Neugebauer commented that being geared to one goal, MCSD cannot have too many sessions to hear others and Staff should encourage employees to make suggestions to increase efficiency in a cost effective manner via the suggestion box.

President Neugebauer suggested that we introduce and inform the community of new programs through press releases.

President Neugebauer reported that the Water Resource Control Board's emphasis was learning to work "nice" together on the Bay Delta concerns.

GM Nordbak stated he was impressed that the two dissenting sides both agreed that in order for any real progress in the Bay Delta the State Water Quality Control Board was going to have to be willing to make some tough decisions.

GM Nordbak agreed with the Board that the CalPERS class was educational and pleased that MCSD has already implemented a tier system as recommended by the panelist.

## **CONSENT CALENDAR**

- A. Investment Report for December 2009
- B. Approval of attendance to the SDI Governance conference  
At the Hyatt Regency in Huntington Beach March 4-5, 2010.
- C. Approval of the request of Pump Station Mechanic Darrell Grimes to receive 40 hours of vacation pay in lieu of time off.

A motion was made by Director Diep seconded by Director Krippner to approve the Consent Calendar. The motion was approved by the following vote:

AYES: Directors Diep, Epperson, Krippner, Rice and Neugebauer  
NOES: None

## OLD BUSINESS

Report from Director Krippner on locations for 2010 Annual Holiday Dinner.

Director Krippner reported that the Riviera is dark, small and expensive, so he brought a brochure for the Courtyard at El Torito for consideration, as it is spacious, family oriented, less costly and separate party room just for the employees is also available.

The Board agreed to poll the employees and let them decide between the Courtyard at El Torito's or Westminster Manor for the 2010 Annual Holiday Dinner.

## NEW BUSINESS

### A. Reinvest Direct Notice of Maturing \$200,000 U.S. Treasury Bill

A motion was made by Director Epperson seconded by Director Rice to approve to reinvest direct notice of maturing \$200,000 U.S. Treasury Bill for 26 weeks. The motion was approved by the following vote:

AYES: Directors Diep, Epperson, Krippner, Rice and Neugebauer

NOES: None

## CLOSED SESSION

President Neugebauer convened the meeting to closed session at 3:11 p.m. pursuant to subdivision (b) Government Code Section 54957

**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. Public Employee Release.

President Neugebauer reconvened the meeting to open session at 3:37 p.m.

President Neugebauer announced that the Board agreed to grant Nancy Gilbert the request for unpaid leave of absence until February 5, 2010.

AYES: Directors Diep, Epperson, Rice and Neugebauer

NOES: None

ABSENT: Director Krippner

President Neugebauer convened the meeting to back to closed session at 3:38 p.m. pursuant to subdivision (b) Government Code Section 54957.6.

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.

President Neugebauer reconvened the meeting to open session at 3:58 p.m.

District Counsel Nixon stated there was no reportable action was taken during closed session.

### **BOARD CONCERNS/COMMENT**

President Neugebauer brought up the next meeting time for the Midway City Sanitary District Board Meetings. The next meeting February 2, 2010 will be at 3:00 pm as a Special Meeting, and future meetings starting time will be put on the next agenda for discussion.

Director Rice confirmed dates for the March 7 – 10, CASA Conference in Washington D.C. for room to be reserved March 7 – 12, 2010, the City of Westminster will be responsible for the room cost March 10 – 12, 2010.

Director Rice said she would have Johanna from the City of Westminster work with Julia on her flight arrangements and ground transportation.

President Neugebauer confirmed dates for the March 7 – 10, CASA Conference in Washington D.C. for room to be reserved March 7 – 10, 2010.

President Neugebauer stated she would contact the District about her flight and ground transportation requirements when she has finalized them.

### **GENERAL COUNSEL CONCERNS/COMMENTS**

Tom Nixon, General Counsel reported that he has not heard back from the City of Westminster regarding the Over the Top Ordinance.

## **GM/STAFF CONCERNS/COMMENTS**

GM Nordbak reported that he had a new form drawn up by AGM Ken Robbins for notification of any future sewer spills. The new form requires the District's employee that responds to the call to complete and sign the form. The new form also has the contact numbers for all of the Government agencies that need to be contacted within one (1) hour of knowledge of the spill. After the District employee contacts all of the required Government agencies they need to again sign and date including the time of day they contacted the agencies.

GM Nordbak reported that it is time for the District to start meeting with the Union, Staff and Legal Counsel on the benefits package, at the direction of the Board and in agreement with the last MOU.

GM Nordbak informed the Board of an email he received from Rainbow Disposal that stated Rainbow Disposal has a direct contract with the Westminster School District and the recycling checks to the School District in their opinion are not connected to MCSD. Director Rice disagreed as did President Neugebauer per a clause in their contract. Both of the Directors (who make up the Rainbow Disposal sub-committee) instructed GM Nordbak to set up a meeting with Mr. Ron Shenkman of Rainbow Disposal.

GM Nordbak reported that the email to CASA has been sent as requested by the Board regarding the flushable wipes.

GM Nordbak reported the District has a birthday cake for Director Diep after the meeting.

## **INFORMATIONAL ITEMS**

There were no informational items on this agenda, other than what is in the Board's yellow folders.

## **ADJOURNMENT**

President Neugebauer adjourned the meeting at approximately 4:11p.m.

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Al P. Krippner, Secretary