

**MINUTES OF THE REGULAR MEETING OF THE
GOVERNING BOARD OF THE MIDWAY CITY
SANITARY DISTRICT OF ORANGE COUNTY
14451 CEDARWOOD AVENUE
WESTMINSTER, CA 92683**

February 2, 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, February 2, 2010 at 3:00 p.m.

BOARD MEMBERS PRESENT:

Tyler Diep (arrived 3:22pm)
Grace P. Epperson
Joy L. Neugebauer
Al P. Krippner
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

PLEDGE AND INVOCATION

Director Krippner led the Pledge of Allegiance. President Neugebauer gave the Invocation.

APPROVAL OF THE MINUTES OF THE MEETING ON JANUARY 19, 2010.

A motion was made by Director Rice seconded by Director Epperson to approve the January 19, 2010 Minutes. The motion was approved by the following vote:

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

PUBLIC COMMENTS:

No public comment.

APPROVAL OF EXPENDITURES

February 2, 2010

#	CK.#	CK AMOUNT	VENDOR
1	3364	146.40	Joy Neugebauer - Insurance Reimbursement for February 2010
2	3365	102.81	Joy Neugebauer - Reimbursement for CASA Mid-Year Conference
3	3366	37.45	Margie Rice - Reimbursement for CASA Mid-Year Conference
4	3367	17.00	Kenneth, Robbins - Reimbursement for CASA Mid-Year Conference
5	3368	112.00	Advance Workplace Strategies, Inc. - (G.C. & R.G.) Drug Testing Random
6	3369	671.46	Bodyworks - Rocker Switch, Solenoid and Coil for Restock
7	3370	75.00	Cal's Sweeper Service - January 2010
8	3371	4,794.18	CalPERS Retirement - Payroll Ending 01/10/10
9	3372	273.57	Carmenita Truck Center - Expansion Tank
10	3373	31,335.51	City of Westminster - Fuel Costs for Oct., Nov., and Dec., 2009
11	3374	525.00	Cobocare/Floor Master - January 2010
12	3375	300.00	Country City Towing - Towing Charge for T-55
13	3376	960.50	Daniels Tire Service - Two New Tires for T-53
14	3377	1,897.50	DGA Consultants - Engineering Services for Hazard Avenue
15			Plan Set Revisions/Updates
16	3378	1,037.72	Fire Safety First - Annual Fire Extinguisher Services and Replacement Parts
17	3379	1,364.76	Fleet Service, Inc. - Restock Fittings, Hose, Disc Pads and Electrical
18			Component Replace Motion Sensor and Chrome Stack for T61
19	3380	169.77	Hillco Fastener Warehouse, Inc. - Blue Poly Tubing, Plastic Tube
20			Cutter with Blade D.O.T Push-In Union
21	3381	2,294.62	Hydraforce, Inc. - Damp Cylinder, Gripper Cylinder, and Stage Hois Cylinder
22			(T-54, T-55, T-61, and T-65)
23	3382	2,872.09	J.G. Tucker & Son, Inc. - Miller Anchor Grips, Lanyard Adjustable, Harness
24			Universal Rings W/Back, Side and Shoulder and
25			Spreader Bar, Winch Manhandle
26	3383	2,400.00	Leaf & Cole, LLP - Audit - Final Billing Dec. 2009
27	3384	650.52	Prudential Overall Supply - January 2010
28	3385	781.39	Powertrain Industries - Parts and Labor for T55
29	3386	463.23	PSI - Switch Flow, Pump Protector, Thermostat, Pump Oil
30	3387	1,388.86	R.J. Embroidery, Inc. - 21 Safety Jackets
31	3388	1,138.50	Reyes Alternators - New Starter for T-57 and Alternator for
32			T-51, T-54 and T-55
33	3389	208.38	TEC of California, Inc. - Wiper Motor and Headlight Switch
34			and Pressure Switch T-59
35	3390	1,382.06	Top Mobile Vision - Install New Camera System on T-52
36	3391	205.24	Union Bank - Re-Stock Water, Soda, Paper, and
37			McAfee Security Software
38	3392	5,732.00	Woodruff, Spradlin, & Smart - Legal Services for December 2009

39			
40	63,337.52		SUBTOTAL
41			
42			ADD HANDCUT CHECKS:
43	3356	125.37	Gas Company - Utility Service for District Offices, Yard and Maintenance
44	3357	38,355.60	CalPERS - Health Premium for February 2010
45	3358	21.18	Office Max - Office Supply Restock (Binders)
46	3359	240.00	Southern California Edison - Willow Lift Station
47	3360	91.81	AT&T - Internet Brookhurst Lift Station (714) 531-0272
48	3361	4,166.24	MetLife - Dental Billing for February 2010
49	3362	1,046.90	Southern California Edison - Hammon Lift Station, Brookhurst Lift Station and Westminster Lift Station
50			
51	3363	889.76	The Standard Life Insurance - Premium for February 2010
52			
53	108,274.38		SUBTOTAL PLUS HANDCUTS
54			
55			
56			ADD PAYROLL, PAYROLL TAX AND DEFERRED COMPENSATION
57		55,278.98	Payroll Ending 01/24/10 Staff (Chk #14590 - 14599 Tax & Direct Deposits)
58			
59		2,260.21	Payroll Ending 01/24/10 Nationwide Deferred Compensation
60		5,575.54	Board of Directors Payroll for The Month of January 2010 (Chk #14601 - #14603)
61			
62			
63	171,389.11		TOTAL EXPENDITURES

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

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

REPORT OF PRESIDENT

President Neugebauer inquired about a CASA sign in and password for the emails received from GM Nordbak. GM Nordbak reported that the email is intended for the General Managers and he forwarded them to President Neugebauer on an FYI basis. GM Nordbak will see if there is a way for the Board to access by email. If there is not a way for the Board to log in he can make the reports available to the Board in a hard copy if they desire one.

REPORT OF GENERAL MANAGER

GM Nordbak reported that considering the sensitive information and the need for privacy for the Finance Director, Robert Housley was moved to his own office between GM Nordbak and AGM Robbins.

GM Nordbak requested that the Board schedule a special meeting in February for a Mid-year Budget Review. GM Nordbak felt this would be helpful in bringing the Board up to date on the projected revenue and costs for the next twelve months. The Board agreed to meet February 23, 2010 at 9:30 a.m. in the MCSD Board Room.

President Neugebauer stated that she would bring this item to the Board for consideration at the end of the meeting.

GM Nordbak reported that there will be a meeting Wednesday, February 3, 2010 with Dave Larsen, Robert Housley, Gustavo Carrera and the Union Representatives to start discussion regarding last MOU on Dental and Life Insurance.

GM Nordbak reported that the CASA Reward Report is pending.

REPORT FROM ORANGE COUNTY SANITATION DISTRICT MEETING

President Neugebauer reported the OCSD meeting was held Wednesday, January 27, 2010. The next meeting will be Wednesday, February 5, 2010 at 5:00 p.m..

President Neugebauer reported she got a printout with information on extra flows from all the rain and how it was handled. She stated that OCSD's GM Mr. Ruth reported that Costa Mesa Sanitary District continues to develop ways to reduce the inflow and infiltration into the sewer collection system to help OCSD and Costa Mesa Sanitary District reduce operational costs. The printout states that in December 2009, OCSD provided Costa Mesa Sanitary District with 1500 rubber plugs that are used in the manhole covers to reduce the flow that goes into the sewer and then needs to be treated by OCSD. President Neugebauer asked if MCSD uses these plugs during rainstorms, GM Nordbak confirmed the District does use the plugs.

President Neugebauer stated that OCSD Directors were given two letters containing information regarding OCSD FY 2011 funding priorities. The letters to be sent to Senators request the three million dollar grant to upgrade critical infra-structure. OCSD urges that MCSD support the request by writing similar letters on our letterhead and submit them to Senators at Federal level. Director Rice asked staff for the amount of reserves at OCSD before the letters are sent. President Neugebauer requested that the letters be prepared and on the next agenda with the information requested by Director Rice.

President Neugebauer provided an OCSD educational DVD which the Board watched and then asked Staff to see if a copy could be given to the City of Westminster to be aired on local Television Stations 3 and/or 6 for public viewing.

REPORT FROM RAINBOW DISPOSAL SUB-COMMITTEE

President Neugebauer reported that the meeting on January 26, 2010 was productive. Rainbow's purpose was to furnish information on all school activities to clear a misunderstanding that MCSD was not involved in the presentation of checks. President Neugebauer pointed out it is clear that in the Franchise Agreement. On page 11, Section I, requires Rainbow to provide a Public Education Program and therefore MCSD is to be noted as co-sponsor of educational programs. Director Rice provided a copy of Section I to the representatives from Rainbow and CR&R. President Neugebauer requested that a copy of AB-939 Integrated Waste Management Goal Attainment Annual Report be provided directly to MCSD in a timely manner. A brief update on Over the Top program was provided by Ron Shenkman. President Neugebauer thanked Sue Gordon for the report and materials on the education programs provided to the local schools.

Attorney, Tom Nixon reported he is pending more information from the City of Westminster's Legal Counsel on the Over the Top program.

Rainbow provides to each student a themed 'Think Blue/Recycle' Rainbow Logo Bag with a color book & crayons, ruler, pen and a wrist band. A sample provided to MCSD and is to be displayed at the front desk for public view as a MCSD program.

CONSENT CALENDAR

A. Approval of the request of Sewer Maintenance Worker Alejandro Gonzalez to receive 40 hours of vacation pay in lieu of time off.

A motion was made by Director Diep seconded by Director Epperson to approve Item 'A' on the Consent Calendar. The motion was approved by the following vote:

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

B. Financial Statements for the 2nd Quarter, July – December 2009.

Director Krippner wants it on the record again that he is opposed to the Grant money being used for the Artificial Turf at the District compound.

A motion was made by Director Rice seconded by Director Diep to approve Item 'B' on the Consent Calendar. The motion was approved by the following vote:

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

OLD BUSINESS

- A. Confirm attendance to the SDI Governance conference at the Hyatt Regency in Huntington Beach March 4-5, 2010.

Director Krippner will be attending. GM Nordbak will also attend.

Director Diep will let Staff know.

Discussion ensued.

- B. Discussion of Holiday Dinner Location Employee Poll.

Discussion ensued.

A motion was made by Director Diep seconded by Director Rice to approve the Holiday Dinner to be at El Torito and no deposit will be made to the Westminster Manor. The motion was approved by the following vote:

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

NEW BUSINESS

- A. Amend regular meeting time of the Board of Directors from 5 p.m. to 3 p.m. every first and third Tuesday's of every month.

A motion was made by Director Rice seconded by Director Epperson to approve to change the policy to 3:00 p.m. every first and third Tuesday's of every month. The motion was approved by the following vote:

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

- B. Discussion of Agreement between Midway City Sanitary District and Shields Consulting Group Inc., for Mandated Cost Claiming Services.

A motion was made by Director Krippner seconded by Director Diep to approve a two year agreement, subject to additional language provided by General Counsel. The motion was approved by the following vote:

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

- C. Discussion of the 2010 ISDOC (Independent Special Districts of Orange County) membership dues and membership in ISDOC.

A motion was made by Director Rice seconded by Director Diep to continue participation. The motion was approved by the following vote:

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

D. Discussion on employee suggestion box.

Discussion ensued.

The Board agreed and requested Staff to copy the MOU section of the contract that states there is a monetary reward for safety suggestions. No motion, only discussion.

BOARD CONCERNS/COMMENT

Director Krippner suggested that Finance Director, Robert Housley be a salaried exempt employee.

Director Rice would like it on the record she said to President Neugebauer 'I am sorry you think I don't pay attention, but I do.'

Director Rice reported that a customer, Don Anderson came to her office to give compliments to AGM Ken Robbins and Julia Sales for how they assisted him, 'good job'.

Director Krippner apologized for letting his personal affairs disrupt the Mid-Year CASA Conference last month.

GENERAL COUNSEL CONCERNS/COMMENTS

No comment at this time.

GM/STAFF CONCERNS/COMMENTS

GM Nordbak reminded the Board that the Public Service Award for Rafael Gonzalez Jr will be 11:00 a.m. to 1:00 p.m. on February 23, 2010 at the Rose Center. Rainbow and CR&R will be hosting Rafael, and guests. MCSD will host the Board and Staff attendees.

GM Nordbak reported that there were a couple of small sewer spills on private property and not the MCSD responsibility.

CLOSED SESSION

President Neugebauer convened the meeting to closed session at 4:14 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 4:35 p.m.

General Counsel, Tom Nixon stated there was no reportable action, and that Director Krippner did not attend or participate in the closed session.

President Neugebauer requested the Board consider GM Nordbak's recommendation to schedule a special meeting for mid-year budget review.

The Board discussed and scheduled a special meeting on February 23, 2010 at 9:30am at the MCSD Board Room.

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 4:39 p.m.

Al P. Krippner, Secretary