

**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 16, 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 16, 2010 at 3:00 p.m.

BOARD MEMBERS PRESENT:

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

APPROVAL OF THE MINUTES OF THE MEETING ON FEBRUARY 2, 2010.

The Board discussed and decided it best for staff to review the tape for February 2, 2010 Board meeting and put comments in appropriate place in the minutes. Director Rice's quote should be under Board Concerns/Comments and decision for February 23rd budget meeting put after Closed Session.

A motion was made by Director Epperson seconded by Director Krippner to defer the February 2, 2010 Minutes until audio tape is heard and corrections made. The motion was approved by the following vote:

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

PUBLIC COMMENTS:

No public comment.

APPROVAL OF EXPENDITURES**February 16, 2010**

#	CK. #	CK AMOUNT	VENDOR
1	3401	119.73	Al Krippner - Mileage Reimbursement for January 2010 (CASA Conference)
2	3402	19.29	Tyler Diep - Mileage Reimbursement to replace lost Check # 2704
3	3403	20.00	Darrell Grimes - Lincoln Education Center Education Reimbursement
4	3404	112.99	Greg Nordbak - Reimbursement for Mileage to CASA Mid-Year Conference
5	3405	45.00	Advance Workplace Strategies, Inc. - (R.G.) Alcohol Testing Random
6	3406	545.82	Battery Systems - 12 Volt Commercial Battery for T-54 & T60
7	3407	4,914.62	CalPERS Retirement - Payroll Ending 01/24/10
8	3408	4,799.04	CalPERS Retirement - Payroll Ending 2/7/2010
9	3409	200.00	CalPERS - Valuation Fee (2%@55 Full Formula)
10	3410	117.97	Carmenita Truck Center - Sealing Ring, O-Ring and Comp. Hose (T-54)
11	3411	80.00	City of Westminster - Water Usage for Hydrant/Sewer Nov. & Dec. 2009
12	3412	920.56	Computer Research Center - March 2010
13	3413	460.00	DGA Consultants - Engineering Services for Bushard and McFadden Project
14			January 2010
15	3414	1,259.12	Daniels Tire Service - 4 Re-stock New Tires and 4 Tires for T-54
16	3415	56.11	DJ Printing - Letterhead
17	3416	951.03	Fleet Services, Inc. - Re-stock Fitting/Hose, Start Fluid and
18			Led Super Model T-60 G-2, and Battery Cables and
19			High Efficiency Fuel Dual-Flow Lube Spin-on
20	3417	375.00	Frog Env, Inc. - 2009-2010 Storm Water Service (Payment Three of Four)
21	3418	200.00	ISDOC - Membership Fee for 2010
22	3419	2,450.49	McNeilus - Air Canister, Cyl. Linear, and Joystick 5 Function T-59
23	3420	105.00	Memorial Prompt Care - (G.C. & R.G) Drug & Alcohol Testing
24	3421	3,702.15	Orange County Sanitation District - Permit Fees January 2010
25	3422	211.91	Powertrain Industries - Drive Shaft Parts T-62
26	3423	451.98	Prudential Overall Supply - February 2010
27	3424	91,760.33	Rainbow Disposal - Tonnage for January 2010
28	3425	9,204.04	Rehrig Pacific Company - 100 65 Gal. Blue Carts/Lids and
29			100 65 Gal. Black Carts/Lids
30	3426	70.00	Resource Communications - Move Two Phone lines and Programming
31	3427	1,341.98	Rosemead Oil Products, Inc. - Re- stock Hydraulic Oil
32	3428	4,478.65	Rutan & Tucker, LLP - Professional Services for January 2010
33	3429	19.50	Underground Service Alert of Southern California - 13 Tickets for Jan. 2010
34	3430	36.92	Westminster Herald - Publication for Special Meeting for 02/02/10

35			
36	129,029.23		SUBTOTAL
37			
38			ADD HANDCUT CHECKS:
39	3393	647.57	AT&T Mobility - (714) 310-2313 (KR) / 310-4406 (AC) / 310-8653 (NC)
40			310-8654 (Sewer Department) / 310-9004 (Emergency Phone)/
41			325-3035 (DH)/325-3606 (DG)/ 350-0402 (JS) 917-7887 January 2010
42	3394	28.43	Office Max - Office Supplies
43	3395	1,043.65	Southern California Edison - District Admin., Refuse Offices, Wash Rack,
44			Maintenance Shop, and Archives and Parking Garage January 2010
45	3396	825.31	Verizon CA - Monthly Service - (714) 891-9410 (GE) Fax / 891-8624
46			District Fax 893-3553/ 893-3554/ 893-3555/ 897-5368 District Phones/
47			(714) 893-2299/ 903-1863/ 903-6154/ 903-6274 Lift Stations January 2010
48	3397	12,113.78	US Bank - (NC) - Glass Cleaner for Shop Vehicle G-2
49			(AC) - Re-stock Battery supply, QT Pansy Premium Front Yard,
50			Water for Front Office, Extension Wand Nozzle,
51			and Hose for Pump Station and Re-stock Field Water
52			(GN) - HB Staffing - Temp Help 12/20/09 - 01/10/10,
53			and CASA Mid-Year Conference, (KR) - CWEA Renewal,
54			Board Meeting Dinner, Birthday Cake for Director Rice, and
55			CASA Registration Fees, and Newtek Technology monthly fee
56			and Hotel and Food Charges for the CASA Conference
57			and Board Meeting Refreshments
58	3398	11,458.00	The Zenith Insurance Company - Workers' Comp., 02/01/10 - 02/28/10
59	3399	59.99	DirecTV - Monthly Service February 2010
60	3400	78.13	Office Max - Office Supplies
61			
62			
63	155,284.09		SUBTOTAL PLUS HANDCUTS
64			
65			
66			ADD PAYROLL, PAYROLL TAX AND DEFERRED COMPENSATION
67		54,351.04	Payroll Ending 02/07/10 Staff Chk #14604 - 14615 Tax & Direct Deposits
68		1,188.00	Payroll Ending 02/07/10 Nationwide Deferred Compensation
69			
70			
71	210,823.13		TOTAL EXPENDITURES

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

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

NOES: None

REPORT OF PRESIDENT

President Neugebauer received a voicemail from a resident of the Westminster Village complimenting the District on this year's Calendar and asking if we will be sending another in the year 2011. President Neugebauer will be returning the customer's call.

President Neugebauer stated that Judy Donovan, who taught in Westminster School District and lives on Rochelle Ave, commented that Diane (who lives on Palomar and is known for other disruptive activities in the neighborhood) goes through all the cans and the police have stopped her, but she is still around and she carries a knife. Judy is scared of Diane and asks if there is anything MCSD can do. President Neugebauer explained to Judy that MCSD has no enforcement ability, but she will discuss options with The Board.

Discussion ensued.

The Board agreed a ticket is warranted and Staff is directed to contact the City of Westminster and ask for stronger enforcement.

President Neugebauer reported that Emily Sanchez who works in the Special Education Program at Johnson School called to commend the excellent program that Rainbow has for them. President Neugebauer said 'Thank you' and informed Emily that MCSD is a co-sponsor with Rainbow.

REPORT OF GENERAL MANAGER

GM Nordbak reminded The Board that there is a Budget meeting Tuesday, February 23rd, 2010, at 9:30 a.m. at MCSD and the Chamber of Commerce Awards Luncheon is at 11:00 a.m. at the Westminster Rose Center.

GM Nordbak reported that the MOU information previously discussed in the last meeting, has been enlarged and posted in the employee area per the Boards direction.

President Neugebauer stated that a copy for the front office should also be posted.

GM Nordbak will be sure another copy is posted in the front office.

REPORT FROM ORANGE COUNTY SANITATION DISTRICT MEETING

President Neugebauer reported that the Orange County Watch Dog has written a very negative article on Waste Water 101, mostly stating OCSD spent too much money on the making of Waste Water 101. President Neugebauer was able to review Michael Gold's response to the article. President Neugebauer sent an email to Michael Gold stating that a copy of the article was reviewed by MCSD Board and was widely accepted and the MCSD Board directed that it be forwarded to local cable channels to be viewed by residents.

President Neugebauer reported that in the Operations Committee last Tuesday, February 9, 2010 received a presentation on the Odor Control Program. She introduced the subject of the tanker truck deliveries at MCSD, she explained that she wants two things assured, one being that the material is not flammable, and secondly the size of the truck with cab completely blocks traffic, so maybe there are some trucks that are smaller. Her answer received via email, states that smaller trucks with more frequent deliveries is under consideration, and Brian Reed is working closely with AGM Robbins to improve logistics of the truck route through the MCSD. President Neugebauer's concern is when construction on Hazard Street begins; this will be a hazard to the public.

Discussion ensued.

CONSENT CALENDAR

President Neugebauer reviewed the procedure for consent calendar approval and asked if any Director requested an item to be pulled. There was no response.

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

Before the vote Director Krippner asked for each item D & C then requested B to be reviewed separately.

Director Krippner did not explain why he wanted to discuss 7C and 7D.

Director Rice interjected item A would be pulled if she wanted to pull an item.

Director Krippner said yeah 7A too.

President Neugebauer said please be prepared when pulling items. Then she asked Director Rice if she would withdraw the motion to approve item A and motion to pull all items.

Director Rice said yes.

Director Krippner excused himself stating "I beg for a five minute break while we all get our senses back." (At 3:29 p.m. he left the room)

- A. Letter of support for Orange County Sanitation District in the State and Tribal Assistance Grant (STAG).

Director Rice clarified who was giving this Grant with GM Nordbak.

GM Nordbak explained the state is granting the money.

GM Nordbak reported that there is actually two letters, not just the one.

President Neugebauer asked for a motion to approve item A.

General Counsel Tom Nixon replied yes.

President Neugebauer continued with item A and asked Director Rice if information was clarified.

Director Diep moved approval of item A, motion failed for lack of a second.

President Neugebauer commented everyone should be prepared and again asked for a motion for approval to item A.

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

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

B. Approval of attendance to Quarterly ISDOC Meeting on Thursday, February 25, 2010.

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

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

President Neugebauer "Perhaps we'll hold item C, I think that may be the one that Director Krippner is most interested in, the investment report. So does the Board have any problem if we go right to item D?"

Director Diep said "No, he is here now."

Director Krippner returned to the meeting 3:33 p.m.

Director Krippner "When nature calls, nature calls."

Director Rice "They are giving free lunch too."

President Neugebauer "Yes, I found that they just raised the dues and now they are giving free lunch to six of us about a hundred dollars of free lunch. What sense does it make to raise the dues."

Director Rice "They raised the dues to pay for something else didn't they?"

Director Diep "For OCCOG Membership".

GM Nordbak "OCCOG Membership".

Director Rice "OCCOG".

President Neugebauer "Then they are giving back more than the increase."

Director Rice agreed, they are trying to make it up to us.

GM Nordbak "A net \$50.00 hit."

President Neugebauer "We were going to skip to item C, because I thought that's the one you might be most interested in. But since you're back, would you like Staff to make a presentation on that or do you have specific questions."

Director Krippner would like the minutes to reflect that he did not have a chance to explain items A, B, C, & D which he is pulling and apparently "You've run a roughshod over me" and he will be sure that gets recognized at the proper time.

President Neugebauer said to also put in verbatim Director Krippner's statement before he left the room.

Director Krippner said "I needed an emergency relief break, so I took it and nobody is going to tell me when nature calls that I cannot stop and do what I got to do."

President Neugebauer said to do it more privately.

Director Krippner "Well I did it as privately as I could, I even shut the door, so the more you make of it the more worse."

President Neugebauer to Director Krippner "I am about to hand this gavel to someone else."

Director Krippner "Give it to me."

President Neugebauer "You don't want it."

Director Krippner "Yes I do."

President Neugebauer "No you don't want me to hand it towards you."

Director Krippner "Yes I do, I'll defend myself."

President Neugebauer “No.”

Director Rice “Who’s the Vice President?”

President Neugebauer “Legal Counsel is there any appropriate action that I can take to control this, that you can recommend?”

Director Krippner to Legal Counsel Tom Nixon “Or me for that matter?”

Legal Counsel Tom Nixon “Well as the President of the Board, you are entitled to conduct the meeting in accordance with the District Policies and Procedures, so that includes control of the Agenda and how this matter moves forward.”

Director Krippner “Does that include sleeping on the job?”

Legal Counsel Tom Nixon “What?”

President Neugebauer “Director Krippner, you are out of order, I will tolerate your attack on me, but not any of the Board Members.”

Director Krippner “I didn’t say anybody else, I just said you’re not keeping control of the meeting, it’s way out of line and you gave a littany: A whole monolog.” “And you shouldn’t control the meeting to the detriment of the District. I want that in the minutes! I am asking for it.”

President Neugebauer “We are going to take a vote on it.”

Director Krippner “Okay, take a vote.”

President Neugebauer “You make a motion that gets in the minutes and see if it passes, see if it gets a second.”

Director Krippner “Everyone else has felt this way at times too, and one person, whom I will not mention believes you are a dictator, and that person is with us today.”

President Neugebauer “However that may be.”

Director Krippner “Tyrant was the actual word used.”

President Neugebauer “As I say, as long as I sit in this seat, I shall abide by the policies and procedures of which you are all aware and I am charged with keeping order and decorum at these meetings and today, I have failed.”

Director Krippner “Yes you have.”

President Neugebauer “But not for lack of trying.”

Director Krippner “Many times you have failed today.”

President Neugebauer “Director Krippner I am giving you two minutes and then we are getting back to the agenda, so anything else that you have to say, then we are going to return to item C.”

Director Rice to Director Krippner “What was it, that you were so concerned about?”

Director Krippner “I am once again stating that you have given me two minutes to state, and that is I want it made a matter of the minutes because I take exception with four items here, and if you are following the rules of the District Charter and if you are not doing that, I am protesting.”

President Neugebauer “Items A, B, C, & D have been pulled and we have addressed item’s 7A & B, we will now address item 7C.”

President Neugebauer stated to also be sure that Director Krippner’s exiting comment is reported.

Discussion Ensued.

Director Krippner re-stated that he is protesting and wants it recorded.

Director Krippner to GM Nordbak “I don’t need that.”

GM Nordbak “Pardon me?”

Director Krippner “I don’t need that!”

GM Nordbak “Don’t need what?”

Director Krippner “The smiling at Robert.”

GM Nordbak “I was letting him know that he is up next.”

President Neugebauer to Director Krippner “Limit your attack to me.”

Director Krippner to GM Nordbak “You work for the Board!”

President Neugebauer to Director Krippner again “Limit your attack to me.”

Director Krippner to GM Nordbak “You’re not helping your matters at all.”

President Neugebauer to Director Krippner “Limit your attack on the Board President.”

Director Krippner “Well then I will need more than two minutes.”

Director Rice “Let’s go over this AI.”

President Neugebauer moved to Item C.

C. Investment Report for January 2010.

President Neugebauer asked Director Krippner to voice his concern.

Director Rice asked Director Krippner “Was there something you were concerned about?”

Director Krippner said “No comment.”

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

AYES: Directors Diep, Epperson, Rice and Neugebauer

NOES: None

ABSTAIN: Krippner

President Neugebauer “Director Krippner also pulled item D, which is approval on...”

Director Krippner interrupted “A, B, C, & D.”

President Neugebauer “We already acted on A & B in your absence.”

Director Krippner “In my absence, when I couldn’t even let nature call. Take the time for it, and I want it in the record.”

President Neugebauer “It is already in the record.”

Director Krippner “Then I will put it in the newspaper, I am not afraid. I got nothing to lose, except justice and I will have it.”

President Neugebauer “If you get what you deserve, it won’t be justice.”

Director Krippner “A, B, C, & D, you are not controlling the meeting properly and that’s the truth, everybody here knows it.”

President Neugebauer “Why don’t you make a motion to that effect.”

GM Nordbak “President Neugebauer, on the last motion...”

Director Krippner interrupted “So moved.”

President Neugebauer "Is there a second to that motion?"

Director Krippner "There doesn't have to be."

President Neugebauer "Is there a second?"

Director Krippner "It's a comment for the record."

President Neugebauer "That motion failed for lack of a second."

Director Krippner "It's in the record, you know it did not get a second."

GM Nordbak "President Neugebauer we didn't get.."

Director Krippner interrupted "You know it."

President Neugebauer to Director Krippner "Our Manager is speaking."

GM Nordbak "We didn't get the count..."

Director Krippner interrupted to President Neugebauer "I outrank him, (meaning GM Nordbak). Would you stop for a second, when I am talking, don't interrupt, I really mean it!"

President Neugebauer "I think..."

Director Krippner interrupted "This is no blanking contest, I outrank you period and and I will for three more years, (to GM Nordbak).

President Neugebauer "Director Krippner."

President Neugebauer "Directors, I apologize for my failure to control the meeting, but I cannot tolerate and I apologize to our General Manager and Staff for this type of abuse."

Director Krippner to GM Nordbak "Would you interrupt our President, at the same time, don't interrupt me or you'll pay for it, (to GM Nordbak)."

President Neugebauer "When you've talked non stop." (to Director Krippner)

Director Krippner "Yes, that's exactly what you were doing." (to President Neugebauer)

President Neugebauer "Does this meet requirements of MOU?"

GM Nordbak "Yes."

GM Nordbak "We did not get the vote 4/0 or 5/0 on item C."

President Neugebauer "Director Krippner did not vote on 7C."

Director Krippner "4/0."

President Neugebauer moved on the item D.

- D. Approval of the request of Solid Waste Employee Robert Mayfield to receive 36 hours of vacation pay in lieu of time off.

Director Rice clarified that this is in the MOU, she is concerned employees need their time off for refresher time.

GM Nordbak stated that the employees are mandated to take off in the new MOU.

A motion was made by Director Rice seconded by Director Epperson to approve item D on the Consent Calendar. The motion was approved by the following vote:

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

President Neugebauer stated that perhaps when there is a workshop there should be clarification of what goes onto the Consent Calendar to avoid situations like today.

Director Krippner stated that "there seems to be a tyrant" in the meeting.

OLD BUSINESS

- A. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT, OF ORANGE COUNTY, CALIFORNIA, MODIFYING THE DISTRICT'S POLICIES AND PROCEDURES TO CHANGE THE TIME OF THE REGULAR BOARD OF DIRECTORS' MEETING TO 3 P.M. ON THE FIRST AND THIRD TUESDAYS OF THE MONTH.

Resolution No. 2010-01

A motion was made by Director Rice seconded by Director Epperson to approve Resolution No. 2010-01. The motion was approved by the following vote:

Director Krippner suggested correcting Tuesday to Tuesdays throughout the resolution.

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

NEW BUSINESS

- A. A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE BOARD OF DIRECTORS OF MIDWAY CITY SANITARY DISTRICT

Resolution No. 2010-02

General Counsel, Tom Nixon reminded the Board that due to conflict of interest, Director Epperson will not be participating.

A motion was made by Director Diep seconded by Director Rice to approve Resolution No. 2010-02. The motion was approved by the following vote:

Director Krippner suggested grammar corrections: put the word 'of' between Board of Directors and MCSD: change the word 'pick-up' to pay: change 'amendment' to amend: under background, number 3, the date (3/16/2010) should reflect a different date.

The Board agreed with corrections suggested by Director Krippner, except the date change, the date is correct as (3/16/2010).

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

President Neugebauer invited Director Epperson back to the meeting.

- B. A RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

Resolution No. 2010-03

A motion was made by Director Rice seconded by Director Epperson to approve Resolution No. 2010-03. The motion was approved by the following vote:

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

- C. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT, OF ORANGE COUNTY, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

Resolution No. 2010-04

A motion was made by Director Rice seconded by Director Epperson to approve Resolution No. 2010-04. The motion was approved by the following vote:

Director Krippner voiced a concern about the dollar amount not reflecting the total cost.

General Counsel, Tom Nixon confirmed that the cover memo is talking about the incremental change not the overall total cost for the District.

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

President Neugebauer asked if Items B and C will be delayed going into effect until the Board approves the final resolution.

Finance Director Housley informed the Board that the retirement will be delayed, but the health insurance will be immediate.

D. Approval to purchase new lifting cables for each pump at all four lift stations.

President Neugebauer asked Staff if there is any salvage value to the existing cables, and what is the life expectancy of the new cables?

GM Nordbak discussed with the Board the unsafe and rusty condition of the existing cables and the new stainless steel cables should last 15/20 years.

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

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

BOARD CONCERNS/COMMENT

Director Rice is glad to pass the medical, because it is so important.

Director Krippner agreed with Director Rice.

President Neugebauer gave thanks to the Board for their consideration, and Staff's professional way in their presentation.

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel, Tom Nixon reported that he has had conversation with Christian Bettenhausen with the City Attorney's office with the Westminster on the 'Over the Top' Ordinance. It is a very cooperative conversation, and he believes that the changes desired by MCSD Board will be ready for presentation back to the Board by March 2, 2010, the next Board meeting.

GM/STAFF CONCERNS/COMMENTS

President Neugebauer confirmed that the Board will be attending the ISDOC Quarterly meeting, Thursday, February 25, 2010 in Fountain Valley.

President Neugebauer requested the Board take a five minute break prior to the Closed Session: 4:06 p.m.

CLOSED SESSION

President Neugebauer convened the meeting to closed session at 4:11 p.m. pursuant to subdivision (b) Government Code Section 54957.

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
- B. Public Employee Discipline / Dismissal / Release (Three Employees) pursuant to subdivision (b) of 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.

President Neugebauer reconvened the meeting to open session at 4:50 p.m.

General Counsel, Tom Nixon stated there was no reportable action during this Closed Session.

President Neugebauer wants the Minutes reflect that she neglected to read the subdivision (b) of Section numbers into the record prior to Closed Session and they were as stated by General Counsel, Tom Nixon.

General Counsel, Tom Nixon stated for the record that Director Krippner did not participate in the Closed Session.

GM Nordbak stated that Legal Counsel Dave Larsen, Finance Director Housley and himself met February 3, 2010 with the Union on the opening up of the MOU part for Dental and Life Insurance. He believes that the Union is under the impression that they are not able to touch the Life Insurance side of it, GM Nordbak reminded the Union that they cannot exclude the Directors and that would be a challenge for them. The Union now is

looking at possible change of Dental, but GM Nordbak reminded them that it has to be inclusive of all employees and The Board would be supportive of any equal or better coverage for the employees at a better price.

Director Krippner stated that he will be absent February 23, 2010 during the Budget 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 to February 23, 2010 at approximately 4:52 p.m.

Al P. Krippner, Secretary