

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

March 2, 2010

3:00 P.M.

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, March 2, 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 Secretary

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.

A motion was made by Director Epperson seconded by Director Krippner to approve the February 2, 2010 Minutes. 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

March 2, 2010			
#	CK. #	CK AMOUNT	VENDOR
1	3439	140.70	Joy Neugebauer - Insurance Reimbursement for March 2010
2	3440	35.57	Allan Krippner - CASA Conference & Mileage Reimbursement for Jan. 2010
3	3441	999.96	Bodyworks - Limit Switch for (T-53 & T-61) Filter Element (T-60 & T-62)
4	3442	265.70	Advance Gas Products - Super Cold Galv 16oz, 4" cutoff Wheel
5	3443	40.00	Asbury Environmental Services - Used Oil Service Charge February 2010
6	3444	91.96	Battery Systems - Battery for M-5
7			Pressure Switches for (T-53 & T-55 & T-62)
8			Flash Arrestor Set-Torch and Electrodes
9	3445	75.00	Cal's Sweeper Service - February 2010
10	3446	4,799.04	CalPERS Retirement - Payroll Ending 02/23/10
11	3447	283.21	Carmenita - Starter Relay for T-52
12	3448	1,224.20	Chemsearch - Provantage for Transmission
13	3449	525.00	Cobocare/Floor Master - Janitorial Services for February 2010
14	3450	2,563.06	Daniel Tire Service - Recap T-55 and Replace tires on T-55 & T-54
15	3451	731.99	Fleet Services - Inspect/Repair A/C System for M-63, Re-stock Fuel Spin-On
16			Tire Soap for all Trucks, and Re-stock Valves and Release Valve for T-59
17	3452	579,510.00	Mike Bubalo Construction Co. - Bushard & McFadden Sewer Project
18	3453	395.23	Office Max - Office Supplies
19	3454	426.96	Prudential Overall Supply - February 2010
20	3455	217.05	Tec of California, Inc. - Sensor Kit for T-60
21	3456	558.00	United Traffic - 18" Black Base Cone with Stencil (70 Total)
22	3457	4744.04	Woodruff, Spradlin, & Smart - Legal Services for January 2010
23			
24		597,626.67	SUBTOTAL
25			
26			
27			ADD HANDCUT CHECKS:
28	3431	493.06	Verizon - Internet Services Scada System February 2010
29	3432	90.67	AT&T - Internet Brookhurst Lift Station (714) 531-0272
30	3433	38,169.04	CalPERS - Health Premiums for March 2010

31	3434	191.81	Gas Company - Utility Service for District Offices, Yard and Fleet Maintenance
32	3435	4010.66	MetLife - Dental Premiums for March 2010
33	3436	959.22	Southern California Edison - District Admin & Refuse Offices
34			and Hammon Station
35	3437	889.76	The Standard Life Insurance - Premiums for March 2010
36	3438	37.45	Verizon - Internet Access District Offices February 2010
37			
38		642,468.34	SUBTOTAL PLUS HANDCUTS
39			
40			
41			ADD PAYROLL, PAYROLL TAX AND DEFERRED COMPENSATION
42		38,169.04	Payroll Ending 02/23/10 Staff Chk #14617 - 14630 Tax & Direct Deposits
43		2,260.21	Payroll Ending 02/23/10 Nationwide Deferred Compensation
44		4,523.20	Board of Directors Payroll for The Month of February 2010
45			(CK # 14632 - 14634)
46			
47			
48		687,420.79	TOTAL EXPENDITURES

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

REPORT OF PRESIDENT

President Neugebauer reported that when she returned the call to Rosalie, a customer concerned about some of MCSD's solid waste issues Rosalie made a special effort to commend the District employee who answered the phone. President Neugebauer said thank you to Julia for putting MCSD's best foot forward.

President Neugebauer requested Board support to send a plant/flowers with card to GM Nordbak's father, Tom Nordbak, who has just had a medical procedure. The Board agreed to send a plant.

REPORT OF GENERAL MANAGER

GM Nordbak informed the Board that there was broken concrete at the north entrance to MCSD property and it would be replaced next week.

GM Nordbak thanked the Board for their support for his Dad.

President Neugebauer said she noticed that April Parmelee has come back.

GM Nordbak informed the Board that MCSD is glad to have April Parmelee back, and there has been a meeting with GM, AGM, April Parmelee, Julia Sales and Toshia Kudlak regarding new job descriptions and reorganization for the Administrative Secretaries.

REPORT FROM ORANGE COUNTY SANITATION DISTRICT MEETING

President Neugebauer reported last meeting was Wednesday, February 24, 2010.

President Neugebauer announced that the Vice Chairman of the OCSD, Larry Crandall was elected Vice Chairman of the Ground Water Replenishment System. Though this project was supported equally by OCSD and Orange County Water District, most of the PR leans toward the Water District. At the present time, OCSD is sending over 1 hundred million gallons of water a day from their plant to the Water District's plant to be used in the Ground Water Replenishment System Project and the desire is to keep the recognition equal.

President Neugebauer reported that the Budget Assumptions for the coming year was reviewed. The 2010 Legislative Platform was adopted.

President Neugebauer reported that the first name is on the Honor Walk is Dale Sparks, a 35 year employee of OCSD and was nominated by multiple Orange County Sanitation District Staff who was recognized as a mentor, leader and an overall distinguished employee.

President Neugebauer announced that Seal Beach Mayor, Charles Antos stated that if anybody has a capital improvements project pending, this is a good time to put it out to bid fast: They had a project that engineers estimated was over 3 million, but it came in under one million.

Director Rice asked who pays for the Honor Walk nominee.

President Neugebauer explained that there is no fee and asked the Board MCSD could have a nominee prepared for the next meeting, March 16, 2010.

The Board agreed to put this on the next agenda.

GM Nordbak said he will be sure it is put to the Agenda on March 16, 2010.

REPORT FROM INDEPENDENT SPECIAL DISTRICTS OF ORANGE COUNTY (ISDOC) MEETING

President Neugebauer reported that there were several speakers and the one that spoke on the odor control problem at San Margarita didn't pertain to MCSD.

Director Rice agreed that the speaker on the odor control wasn't relevant, because it was about their lake and their odor problem.

Director Rice believes that ISDOC should get a new President, the program was not very good or pertinent.

Director Diep agreed that the program was weak.

President Neugebauer commented that the price of the membership fee went up and then they gave a free lunch to all attending.

Director Rice explained that they raised the dues for support of the OCCOG.

GM Nordbak agreed that MCSD got their money back from the increase in the renewal fee, by receiving free lunch, the District had six members present

GM Nordbak remarked that he was impressed with David Cordero's follow up. David called GM Nordbak at home to let him know that he was sending the information he requested at the meeting by email to him.

GM Nordbak also provided information that ISDOC will be requiring MCSD to adopt a Resolution to support the OCCOG in the future.

President Neugebauer stated that the major benefit of attending the ISDOC is the interaction with other members of Special Districts throughout Orange County.

CONSENT CALENDAR

- A. Approval of attendance to the CASA Spring Conference in Newport Beach on April 28 – 30, 2010.

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

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

NEW BUSINESS

A. Consideration of RESOLUTION NO, 2010-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF MIDWAY
CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA
COMMENDING SOLID WASTE DRIVER RAFAEL GONZALEZ

A motion was made by Director Diep seconded by Director Rice to approve Resolution No. 2010-05. The motion was approved by the following roll call vote:

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

B. Approval of a luncheon in recognition of Public Service Award recipient Rafael Gonzalez

Discussion ensued.

A motion was made by Director Krippner seconded by Director Epperson to approve a luncheon on Wednesday, March 31, 2010 at Noon in the employee's lunch room in recognition of the Public Service Award recipient Rafael Gonzalez. The motion was approved by the following vote:

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

C. Consideration of censure of Board Member Allan P. Krippner RESOLUTION NO. 2010-06

RESOLUTION OF CENSURE OF A MEMBER OF
THE BOARD OF DIRECTORS OF THE MIDWAY
CITY SANITARY DISTRICT OF ORANGE COUNTY,
CALIFORNIA.

The motion was President Neugebauer explained the reason for this Resolution is to protect the District from any unnecessary liability.

Director Rice asked District Counsel for a summary.

District Counsel explained this is a reprimand with no action.

President Neugebauer asked that this Resolution be the same as Resolution 2010-05, by putting the name, Allan P. Krippner into the title.

District Counsel Tom Nixon said this is the opinion of the Board and is effective either way.

Discussion ensued.

Director Diep asked who was going to sign the Resolution, since Director Krippner is the Secretary.

President Neugebauer said either the Secretary or Secretary Pro-Tem.

A motion was made by Director Rice seconded by Director Epperson to approve Resolution No. 2010-06 with the name, Allan P. Krippner in the title. The motion was approved by the following roll call vote:

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

D. Consider displaying "IN GOD WE TRUST".

Director Krippner asked what will the size be and what is the cost?

GM Nordbak explained it will depend on the size and if the District logo is included.

President Neugebauer clarified that Staff will present a variety of options for the Board to decide.

A motion was made by Director Rice seconded by Director Krippner to approve displaying "IN GOD WE TRUST" in the Board Room. The motion was approved by the following vote:

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

E. Proposed Budget Calendar for Fiscal Year 2010/11

GM Nordbak explained this is review of Budget on February 23, 2010 and Staff is pending meetings for discussion and adoption of the budget. He explained that Board direction is needed to help set dates, one in late April and two in May (if needed) to clear some challenges on the Budget.

President Neugebauer asked District Counsel Tom Nixon if this needs a motion or just to carry a vote?

District Counsel, Tom Nixon said it can be a motion.

A motion was made by Director Rice seconded by Director Krippner to approve Proposed Budget Calendar for Fiscal Year 2010/11. The motion was approved by the following vote:

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

NOES: None

BOARD CONCERNS/COMMENT

Director Krippner asked who was attending the SDI Seminar, March 4, 5, 2010.

GM Nordbak explained that himself along with Directors Krippner, Diep, and Epperson, and Finance Director Housley.

Director Rice thanked the Board for changing the Luncheon for Raphael Gonzales to March 31, 2010 so she could attend.

President Neugebauer asked Director Rice to find out why CASA emails are sent to Managers and Directors cannot access.

Discussion ensued.

Director Rice, as CASA Director, will bring up in next CASA meeting.

GENERAL COUNSEL CONCERNS/COMMENTS

No comment at this time.

GM/STAFF CONCERNS/COMMENTS

GM Nordbak reported that the support staff will be job sharing and cross training.

Discussion ensued.

President Neugebauer commended Staff on being competent in keeping the office in order while being short staffed.

CLOSED SESSION

President Neugebauer convened the meeting to closed session at 3:45 p.m. after a five minute break 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 (Two 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 3:59 p.m.

General Counsel reported that there is no reportable action.

Director Rice commended Staff and the General Manager on how these situations have been handled.

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 4:00 p.m.

Al P. Krippner, Secretary