

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

**June 22, 2010**

**3:00 P.M.**

**CALL TO ORDER**

President Neugebauer called the adjourned regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, on Tuesday, June 22, 2010 at 3:00 p.m.

**BOARD MEMBERS PRESENT:**

Tyler Diep  
Al P. Krippner  
Margie L. Rice  
Grace P. Epperson  
Joy L. Neugebauer

**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 Diep led the Pledge of Allegiance. AGM Robbins gave the Invocation.

**PUBLIC COMMENTS:**

No public comment.

**OLD BUSINESS (NONE)**

**NEW BUSINESS**

A. Consideration of RESOLUTION NO. 2010-17

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY  
SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE  
SPECIAL DISTRICT GENERAL FUND BUDGET FOR THE FISCAL YEAR 2010-  
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President Neugebauer asked if the District had received any communication from the public on this Resolution No. 2010-17.

GM Nordbak confirmed that there haven't been any public comments regarding Resolution No. 2010-17.

President Neugebauer asked Staff to give the highlights of the Budget for FY 2010-11.

Finance Director Housley stated that the Operating Budget will be \$9,910,526 and the Capital Outlay and Improvement Budget will be \$852,721. He stated that Staff was able to put the Budget together in a way that it did not take from the District's reserves.

President Neugebauer asked if any money is going into MCSD's reserves for the FY 2010-11.

Finance Director Housley confirmed that no money will be added to MCSD's reserves in FY 2010-11.

Director Rice asked if the suggested changes from the last meeting were done.

GM Nordbak confirmed that all the suggested changes have been incorporated.

President Neugebauer opened the public hearing.

No public comment.

President Neugebauer closed the public hearing.

A motion was made by Director Rice seconded by Director Epperson to approve to adopt Resolution No. 2010-17.

Director Rice complimented Staff saying they are doing a great job.

The motion was approved by the following roll call vote:

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

President Neugebauer commented that the hard work and support on this budget reflects the District's concern for the state of the economy.

Director Krippner stated that it is not only the state of the economy, but also the economy of the state.

B. Consideration of RESOLUTION NO. 2010-16

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING A REPORT ON SANITATION AND SEWER USER FEES PURSUANT TO SPECIAL USAGE PERMIT AGREEMENT AND COVENANT DOCUMENTS AND DIRECTING THE COUNTY AUDITOR TO ADD SUCH USAGE FEES TO THE 2010-2011 SECURED TAX ROLL PURSUANT TO ORDINANCE NO. 26 AND ORDINANCE NO. 67.

President Neugebauer asked if the District had received any communication from the public on this Resolution No. 2010-16.

GM Nordbak confirmed that there haven't been any public comments regarding Resolution No. 2010-16.

President Neugebauer and GM Nordbak discussed the LAFCO annexed part of the District.

President Neugebauer opened the public hearing.

No public comment.

President Neugebauer closed the public hearing.

A motion was made by Director Rice seconded by Director Epperson to approve to adopt Resolution No. 2010-16.

President Neugebauer asked Staff about Exhibit A: What is the Special Agreement Fee?

AGM Robbins explained that the special agreements were prior to LAFCO's action and have a rate increase of 2% annually (Special Agreement Fee).

The motion was approved by the following roll call vote:

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

C. Consideration of RESOLUTION NO. 2010-15

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, APPROVING A REPORT ON SANITATION AND SEWER USER CHARGES AND DIRECTING THE COUNTY AUDITOR TO ADD SUCH USER CHARGES TO THE 2010-2011 SECURED TAX ROLL PURSUANT TO ORDINANCE NO. 64 AND ORDINANCE NO. 67.

President Neugebauer asked if the District had received any communication from the public on this Resolution No. 2010-15.

GM Nordbak confirmed that there haven't been any public comments regarding Resolution No. 2010-15.

Director Krippner asked what important changes have been made since the founding of MCSD District. He asked if Barber City is a part of the District.

President Neugebauer stated that Barber City has always been part a of the District.

Director Rice and President Neugebauer agreed that West Garden Grove was taken by LAFCO 1996 and East Westminster was given to MCSD from Garden Grove.

AGM Robbins stated that Fountain Valley took over the Talbert line when they became incorporated.

The Board discussed the history of the District's area.

President Neugebauer opened the public hearing.

No public comment.

President Neugebauer closed the public hearing.

A motion was made by Director Diep seconded by Director Rice to approve to adopt Resolution 2010-15. The motion was approved by the following roll call vote:

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

President Neugebauer asked if the District is using a different funding mechanism for the any newer areas in the District.

GM Nordbak confirmed that all residential rates are the same.

Director Krippner commented that MCSD is lucky to have good historians at the District to draw back memories from the past.

Director Rice commented that MCSD Board Meetings should be videotaped to help preserve the historical stories.

- D. Consider construction agreement with Orange County Public Works (OCPW) to construct a 750 linear feet parallel sewer main on Van Buren Street between Washington Avenue and Madison Avenue.

A motion was made by Director Diep seconded by Director Epperson to approve the construction agreement with Orange County Public Works (OCPW) to construct a 750 linear feet parallel sewer main on Van Buren Street between Washington Avenue and Madison Avenue.

The Board and Staff discussed possible timelines on this and other projects.

The motion was approved by the following vote:

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

E. Approval of Amendment to Memorandum of Understanding with American Federation of State, County and Municipal Employees, Local 1734-01

A motion was made by Director Rice seconded by Director Krippner to approve the Amendment to Memorandum of Understanding with American Federation of State, County and Municipal Employees, Local 1734-01. The motion was approved by the following roll call vote:

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

President Neugebauer commended GM Nordbak and his team as well as Legal Counsel Dave Larsen on a job well done.

### **BOARD CONCERNS/COMMENTS**

Director Rice expressed that she is happy that the FY 2010-11 budget is balanced and that it looks good.

President Neugebauer asked Staff to include the tonnage amount (over 400 tons) in the request for the CASA Small District reward.

President Neugebauer shared a copy of the printout for the AB1234, ethics training on July 22, 2010 in San Bernardino for \$59.00 and requested Staff put the information to the Agenda for the regular meeting on July 6, 2010.

The Board Discussed other training classes available.

**DISTRICT COUNSEL CONCERNS/COMMENTS** - No comments at this time.

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

GM Nordbak reported that each Board Member has a copy of the emails that he sent to the newspapers for the press release on the "Earn as You Learn" program as requested by the Board.

GM Nordbak reported that the Old World Westminster Chamber of Commerce Mixer on June 22, 2010 has been cancelled.

GM Nordbak reported that there is a Safety Day at Sigler Park on Wednesday, July 21, 2010 and he will put onto the next agenda, July 6, 2010.

GM Nordbak reported that each Board Member has a copy of the new rates for CR&R and Rainbow Disposal per the Districts agreement.

GM Nordbak reported he is unable to include the tonnage for the CASA Small District reward because the application needed to be postmarked by Thursday, June 17, 2010. He put the applications in the mail Wednesday, June 16, 2010 and he gave a copy to each Board Member.

Discussion ensued.

GM Nordbak reported that the answer to last week's question from President Neugebauer regarding the Brown Act reimbursement fee of \$1,394.40. The \$1,394.40 is the first payment to the contractor applying on the Districts behalf for reimbursement.

GM Nordbak reported that he and AGM Robbins will be attending the Westminster Chamber of Commerce Dinner on June 24, 2010.

GM Nordbak reported that the Moon Festival information will be on the next agenda.

GM Nordbak reported that he has resigned as Chairman of the San Gabriel Valley Water Quality Authority, effective today, June 22, 2010. He stated it was requiring too much time away from his responsibilities here at the District.

GM Nordbak reported that his vacation starts on June 26, 2010 for one week.

AGM Robbins let the Board know that he will be requesting 25 manhole frames with covers after the County Storm Drain Project is completed.

Director Krippner asked the cost of a manhole (shaft and all).

AGM Robbins answered approximately \$8,000.00, but the frame with covers are approximately \$300.00.

President Neugebauer stated that she is looking forward to moving on from the Storm Drain Project.

## **CLOSED SESSION**

President Neugebauer convened the meeting to closed session at 3:35 p.m. pursuant to subdivision (b) Government Code Sections 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.

### **A. CONFERENCE WITH LABOR NEGOTIATORS (Govt. Code 54957.6)**

Agency Designated Representative: General Manager Nordbak,  
Assistant General Manager Robbins

Unrepresented Employees: Finance Director, Administrative Secretary,  
Solid Waste Supervisor/Safety Director, Sewer System  
Supervisor/Inspector and Fleet Maintenance Supervisor.

President Neugebauer reconvened the meeting to open session at 4:01 p.m.

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

Discussion ensued.

GM Nordbak confirmed the calendar committee meeting will be June 30, 200 at 2:00 p.m.

## **INFORMATIONAL ITEMS**

There were no informational items on this agenda, other than what was previously reported in the General Manager's Report.

## **ADJOURNMENT**

President Neugebauer adjourned the meeting at approximately 4:06 p.m.

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Al P. Krippner, Secretary