

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

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

BOARD MEMBERS PRESENT:

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

OTHERS AT MEETING:

Greg Nordbak, General Manager
Ken Robbins, Assistant General Manager
Robert Housley, Finance Director
Tom Nixon, District Counsel
Danielle Gerardo, Administrative Secretary

PLEDGE AND INVOCATION

Director Krippner led the Pledge of Allegiance. President Neugebauer asked that everyone please observe a moment of silent prayer.

APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 19, 2010

A motion was made by Director Epperson, seconded by Director Diep to approve the Minutes of the Meeting of October 19, 2010. The motion was approved by the following vote:

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

PUBLIC COMMENTS

None

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 212,028.23

#	CK #	CK AMOUNT	VENDOR
1	4053	101.00	Advanced Workplace Strategies - Random Drug Testing (RG)
2	4054	131.22	Alamitos Auto Parts - Restock Headlight, Restock Drip Pans , and Starter Fluid
3	4055	31.10	Bodyworks - Restock Breather
4	4056	75.00	Cal's Sweeper Services - October 2010
5	4057	6,580.25	California Suspension - T51, T52 and T59 Replace Suspension
6	4058	5,366.32	CalPERS - Retirement for Service Period 10-2010-4
7	4059	797.14	Chemex Industries - Fleet Wash (400 LB. Drum)
8	4048	37,527.21	City of Westminster - Fuel Costs for Jul - Sep 2010, District Office Water Sep 2010 - Oct 2010
9	4061	175.00	CAN Surety - Fidelity Bond for Finance Position
10	4062	925.00	Cobocare - Strip and Wax all Floors in District Office and Maintenance Building
11	4063	1,565.12	Cummins Cal Pacific, LLC - Inspection of Hammon, Westminster, Willow, and Brookhurst Lift Stations
12	4064	4,546.70	Daniels Tires - Recap T54 and Repair Nail Hole, Replace Eight Tires on T56
13	4065	275.00	Diehl, Evans & Company, LLP - 2010 Government Tax Seminar (RH)
14	4066	7,575.00	ECIS - FOG Program / Grease Control Inspections October 2010
15	4067	3,585.56	Fleet Services - Restock Parts in Shop, and Replace Strobe Light on T57, Filter Cleaner
16			Restock Brake Valve, Restock Air and Water Filters, Core Kits and Hoses
17	4068	375.00	Frog Env, Inc. - 2nd Quarter Storm Water Services 2010-2011
18	4069	306.58	G & K Services - Uniform Rental Services for October 2010
19	4070	181.74	Hose-Man - Rear Tailgate Seal for T55 and T62, Hose Replacement for T53-T54-T60
20	4071	2,240.25	Hydraforce, Inc. - Replace Gripper on T65, Replace Dump Cylinder on T54,
21			and Replace Lift Cylinder on T57, Replace Cylinders on T53-T54-T55
22	4072	3,200.00	Leaf & Cole, LLP - Progress Billing for Audit 2010
23	4073	140.70	Neugebauer, Joy - Insurance Reimbursement November 2010
24	4074	1,054.42	Orange County Tax Collector - 2010-2011 Secured Property Tax Bill
25	4075	443.35	Plumbers Depot Inc. - Valve Ball and Vactor Cage for M64

26	4076	17,657.46	Rehrig Pacific Company - 346 95-Gallon Black Cans with Lids
27	4077	543.75	Reye's Alternators -T57 Replace Alternator
28	4078	46.00	Rutan & Tucker, LLP. - Professional Legal Fees for September 2010
29	4079	1,650.00	Safety Research Consultants, Inc. - Defensive Driving Class for Drivers
30	4080	50.03	Sign Design - Patches for the Banners for the Founder's Day Parade
31	4081	2,447.48	Tec of California - Labor and Parts for T60, and T51 Engine and Restock Parts,
32			Steering Piston for T59
33	4082	503.44	Top Mobile Vision - New LCD Monitor for T60
34	4083	2,700.00	Woodruff, Spradlin & Smart - Legal Services for September 2010
35			
36		102,796.82	SUBTOTAL
	# CK #	CK AMOUNT	VENDOR
37			ADD HANDCUT CHECKS:
38	4042	321.75	Blue Shield of California - Nancy Gilbert COBRA Insurance for November 2010
39	4043	38,464.30	CalPERS - Health Premiums for November 2010
40	4044	79.94	Gas Company - Utility Service for District Offices, Yard and Fleet Maintenance
41	4045	500.00	Ron Ruano - Final Payment for Mariachi Band for the Founder's Day Parade
42	4046	462.50	Verizon Business - Internet Connection for Scada System November 2010
43	4047	90.55	AT&T - Internet Brookhurst Lift Station (714) 531-0272 October 2010
44	4060	14.39	City of Westminster - District Office Water September 01 2010 - October 26 2010
45	4049	256.38	Office Max - Office Supplies
46	4050	2,640.08	Southern California Edison - District, Fleet, and Pump Stations
47	4051	766.76	The Standard Life Insurance - Premiums for November 2010
48	4052	82.96	Union Bank First Bankcard - (NC) Restock Toiletries, Coffee, and Creamer
49			
50		146,476.43	SUBTOTAL PLUS HANDCUTS
51			
52		58,329.22	Payroll Date 10/19/10 Staff Chk # 14850 - 14859 Taxes & Direct Deposits
53		2,681.38	Payroll Date 10/19/10 Nationwide Deferred Compensation
54		4,292.24	Board of Directors Payroll for the Month of October 2010 Chk # 14861 - 14863
55		248.96	Board of Directors Nationwide Deferred Compensation for the Month of October 2010
56			
57		212,028.23	TOTAL EXPENDITURES W/PAYROLL

President Neugebauer asked for a breakdown of check #4048 made payable to the City of Westminster in the amount of \$37,527.21. The check was for fuel and water for the District fleet, and she asked for the amount of each. Finance Director Housley explained that the fuel cost was \$37,513.27 and the water \$13.84. President Neugebauer asked that the two amounts be broken out in the future.

A motion was made by Director Rice, seconded by Director Epperson to approve the expenditures in the amount of \$ 212,028.23. The motion was approved by the following vote:

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

NOES: None

REPORTS

REPORT OF PRESIDENT

President Neugebauer provided staff with her Bio for the new website. She was pleased with the corrections made to the website and only asked that the word “residents” be corrected by changing it to “residences” on the home page.

President Neugebauer also pointed out that she received a Legislative alert from CSDA regarding Special Districts being asked to report their compensation and she asked whether we had received notification.

GM Nordbak informed her that we had and we will need to respond to the request for information by December 13, 2010. He also informed her that there is a request to post that information on the website for the public, but that the Board had voted against that at the last meeting.

President Neugebauer suggested that, as long as the Board agrees, the public be directed to the Controller’s website for that information.

President Neugebauer reported that the Founder’s Day Parade went well, and the Mariachi Band was well received by all.

REPORT OF GENERAL MANAGER

GM Nordbak represented the District on Saturday at Costa Mesa Sanitary District's Open House and Dedication Ceremony of the new District Yard and remarked that \$4 million dollars was spent on the project. He brought a small gift from the dedication for each of the Board members, and summarized the event.

GM Nordbak reminded the Board that they authorized him to handle all appeals and complaints after the Commercial/Business sewer rate increase. He has received an appeal from Mr. Charles Ponti, who is a resident of Westminster, and owner of three properties. He has asked for a reduction in his sewer rate due to the low water usage for all three parcels. GM Nordbak informed the Board that he intended to do so, since he feels it is a valid request and he submitted all of the back-up information on his usage from the Orange County Sanitation District.

REPORT FROM ORANGE COUNTY SANITATION DISTRICT MEETING (OCSD)

Orange County Sanitation District met on Wednesday, October 27, 2010 and gave a report on the "Beyond 2012 Organizational Realignment for OCSD" with nearly 100 staff members reassigned to new work locations. They stated that they are already beginning to see the benefits of this effort in several areas where duplication of work is being eliminated by shifting personnel. They have formed three committee leadership posts to deal with current issues – an Attorney's Committee, an Air Quality Committee, and a Federal Legislative Committee.

President Neugebauer also reported that they are negotiating over the transfer of 145 miles of sewer lines to the City of Tustin.

CONSENT CALENDAR

- A. Approval of the request of Mechanic Raul Martinez to receive 40 hours of vacation pay in lieu of time off.

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

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

OLD BUSINESS

None

NEW BUSINESS

A. Financial Reports for July 1, 2010 through September 30, 2010

Finance Director Housley explained the report page by page to everyone and explained and answered all questions. In conclusion, he reported that the District's revenue collection and spending levels appear to be within normal ranges for this report period.

A motion was made by Director Krippner, seconded by Director Epperson to receive the financial reports for July 1, 2010 through September 30, 2010. The motion was approved by the following vote:

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

B. Consider approval of the Midway City Sanitary District's 2010 Design and Construction Requirements for Sanitary Sewers

AGM Robbins gave an overview of the report and explained that he followed the City of Westminster's standards.

President Neugebauer asked if any of the changes were addressed in MCSD's Sewer Master Plan.

AGM Robbins assured her that adoption of standard specifications and doing them in a timely manner is mentioned, but not this document specifically.

President Neugebauer asked that he make the endorsement/adoption date clear, since each page is already signed and dated.

GM Nordbak asked General Council Tom Nixon if we could adopt the new requirements now or if we needed to bring it back for the next meeting. General Council Nixon responded that it could be adopted now if the Board chooses to. GM Nordbak stated that it will be a huge benefit to have this information accessible to the public on the website.

All of the Board Members commented on a job well done by AGM Robbins.

A motion was made by Director Diep, seconded by Director Epperson to approve the District's 2010 Design and Construction Requirements for Sanitary Sewers Manual. The motion was approved by the following vote:

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

BOARD CONCERNS/COMMENTS

President Neugebauer stated that she was pleased that the Board had adopted the new Design and Construction Requirements for Sanitary Sewers in a timely manner.

She also requested that future special events be put on a weekly calendar of events since she would have liked to attend the Open House at CMSD but had forgotten about it with all of the other events this week. GM Nordbak assured the Board that he would make sure that the entire Board was made aware of all upcoming events in the future by a weekly calendar going out on Fridays for the coming week.

GENERAL COUNSEL CONCERNS/COMMENTS

None

GM/STAFF CONCERNS/COMMENTS

GM Nordbak reminded Director Krippner that staff needs his Bio for the website. Director Krippner asked that he be provided with a sample Bio to refer to.

He also informed the Board that ATTI would begin the installation of the GPS systems for the fleet starting tomorrow, Wednesday, November 3, 2010.

GM Nordbak provided a copy of the letter sent to Donna Grubaugh as Director and CEO of Legislative Affairs with the suggestions that the Board had for the County of Orange 2011 Legislative Priorities and Policy Statements. The letter was signed by President Neugebauer per Direction of the entire Board.

Also provided was a copy of an email showing the cooperation between US Peroxide and MCSD to adhere to agreement with OCSD about being allowed on site only when there is an MCSD employee in attendance.

GM Nordbak told the Board that the website changes have been made, and that some changes were made to the Home page, while others could not be achieved without additional cost and losing some material and information. He asked that we leave the format as is in order to provide all necessary information, while still looking aesthetically pleasing.

CLOSED SESSION

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.

INFORMATIONAL ITEMS

None

ADJOURNMENT

President Neugebauer adjourned the meeting at 3:40 P.M.

Al P. Krippner, Secretary