

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

**January 4, 2011**

**CALL TO ORDER**

President Rice called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, on Tuesday, January 4, 2010 at 4 P.M.

**BOARD MEMBERS PRESENT:**

Al P. Krippner  
Joy L. Neugebauer  
Tyler Diep  
Frank Cobo  
Margie L. Rice

**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. Director Cobo gave the Invocation.

**APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 21, 2010**

A motion was made by Director Cobo, seconded by Director Neugebauer to approve the minutes of December 21, 2010, with a correction. The motion was approved by the following vote:

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

## PUBLIC COMMENTS

James R. Fisler asked for the Board's consideration for the LAFCO alternate seat. He is presently the Vice President of the Board of Directors for Mesa Consolidated Water District (MCWD) and is the liaison for MCWD to LAFCO for the last 18 months. He gave the Board a brief summary of his background which includes 5½ years as a planning commissioner for City of Costa Mesa, the last 2½ as Vice Chair, 2 years as Park and Recreation Commissioner, and 10 years on a 3 R-Committee (Residential, Rehabilitation, and Redevelopment) for the City of Costa Mesa.

President Rice thanked him for his time and told him that it would be put on the agenda for the Board's next meeting.

## APPROVAL OF EXPENDITURES

### A. Demands in the amount of \$ 108,407.28

#	CK #	CK AMOUNT	VENDOR
1	4208	75.00	Cal's Sweeper Services - Services for December 2010
2	4209	5,974.65	California Suspension - Replace Suspension on M63 and M64
3	4210	28,092.18	CalPERS Fiscal Services - GASB 45 OPEB Monthly Contribution for November and December 2010
4	4211	888.70	Daniels Tire - Replace Tires on M5
5	4212	803.01	Fleet Services - Replace Brakes on T62
6	4213	87.92	HillCo - Restock Nuts and Bolts
7	4214	140.70	Neugebauer, Joy - Insurance Reimbursement January 2011
8	4215	18,153.56	Rehrig Pacific Company - 351 95-Gallon Blue cans with Lids
9	4216	255.66	Rosemead Oil Products - Replace Beta Lube ATE Oil for T65
10	4217	2,460.00	Tec of California, Inc. - Replace Seal on T51, Replace Air compressor on T54, Restock Clamps
11	4218	2,066.00	Woodruff, Spradlin & Smart - Legal Services for November 2010
12			
13		<b>58,997.38</b>	<b>SUBTOTAL</b>
14			
15			<b>ADD HANDCUT CHECKS:</b>
16	4200	80.00	City of Westminster - Hydrant Meter Water Usage for October and November 2010
17	4201	488.22	Verizon Business - Internet Connection for Scada System December 2010
18	4202	95.22	AT&T - Internet Brookhurst Lift Station (714) 531-0272
19	4203	376.50	Blue Shield of California - Nancy Gilbert COBRA Insurance for January 2011
20	4204	13.84	City of Westminster Water Services - Hammon Lift Station

21	4205	14.39	City of Westminster Water Services - Westminster Lift Station
22	4206	42,290.92	CalPERS - Health Premiums for January 2011
23	4207	2,553.09	Southern California Edison - District, Fleet, and Pump Stations
24			
25		<b>104,909.56</b>	<b>SUBTOTAL PLUS HANDCUTS</b>
26			
27		3,497.72	Board of Directors Payroll for the Month of December 2010 Chk #14919 - 14922
29			
30		<b>108,407.28</b>	<b>TOTAL EXPENDITURES W/PAYROLL</b>

A motion was made by Director Diep, seconded by Director Cobo to approve the expenditures in the amount of \$108,407.28. The motion was approved by the following vote:

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

## REPORTS

### Report of President

President Rice advised the Board that she had received a letter from Bill Campbell who is on the Orange County Board of Supervisors. The letter asks for the Board's support of the election of Charlie Wilson to represent Special Districts on the Local Agency Formation Commission (LAFCO).

Director Neugebauer reminded the Board that they had already taken action at the last meeting to support Cheryl Brothers.

President Rice stated that she had worked with Charlie Wilson and would not vote to support him, but if any of the other Board members wanted to reconsider, they could take action at the next meeting.

### Report of General Manager

GM Nordbak confirmed that the Mariachi Band has been hired for the TET Parade on February 5, 2011.

He also reported that as of today, January 4, 2011, the sinkhole repair on Jackson Street was finished as it had finally stopped raining and dried up enough for it to be done.

GM Nordbak gave the Board an update on the Bushard loss that happened on December 12, 2010, stating that the renovation was going smoothly and would be finished this Friday, January 7, 2011. The entire clean up and restoration took less than three weeks and this included the Christmas and New Year's holidays. The contract is with Service Master in Huntington Beach, and there is now an agreement that if any of the Districts designated employees contact him, he is to start work immediately, and then management will follow up with him.

### **Report from Orange County Sanitation District Meeting (OCSD)**

Director Neugebauer reported that the operations committee was dark in January, but she shared an article from the OCSD regarding the impact of all the rain. The plant flow increase was handled even though the water rose to 250 million gallons per day higher than normal. The SARI line was a concern and some repairs were made and so far it has held. The Prado dam is continuing to reduce its level by releasing 5,000 cubic feet of water per second every day.

### **CONSENT CALENDAR**

- A. Approval of the request of Solid Waste Employee Robert Mayfield to receive 40 hours of vacation pay in lieu of time off

A motion was made by Director Diep, seconded by Director Neugebauer to approve the request of Solid Waste Employee Robert Mayfield to receive 40 hours of vacation pay in lieu of time off. The motion was approved by the following vote:

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

### **OLD BUSINESS**

- A. Approval of Design and Specifications (Rehabilitation/Repair of Sewer Mains) Within the Unincorporated Midway City Portion of the District.

GM Nordbak stated that District Legal Counsel spoke with him before the meeting and they had not completely reviewed the entire document. President Rice asked Legal Counsel if he need additional time and Tom Nixon confirmed he could use some additional time. A motion was made by Director Neugebauer, seconded by

Director Cobo to continue the approval of Design and Specifications (Rehabilitation/Repair of Sewer Mains) Within the Unincorporated Midway City Portion of the District to the next Board meeting providing legal counsel time to review it in full. The motion was approved by the following vote:

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

## **NEW BUSINESS**

- A. Consider Scheduling a Special Meeting in February 2011 for Discussion and Consideration, Adopting a Policy on Vacation Pay in Lieu of Time Off for Management, Salaried, and Unrepresented Employees.

A motion was made by Director Neugebauer, seconded by Director Diep to schedule a policy meeting for February 7, 2011 at 4 P.M. The motion was approved by the following vote:

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

- B. Discuss and Approve/Not Approve Attendance at a One-Day Seminar Titled "Boot Camp for Elected Officials".

President Rice stated that she felt that this workshop sounded very interesting and informative, and recommended that all Board members and staff attend.

A motion was made by Director Neugebauer, seconded by Director Cobo to approve attendance on February 17, 2011 for Directors and Staff to attend the seminar. The motion was approved by the following vote:

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

- C. Nominations for California Special Districts Association (CSDA), Region 6, Seat B.

President Rice asked if Director Neugebauer would be interested in running for this position.

Director Neugebauer stated that she is too busy and asked if Director Krippner would be interested in running for it.

Director Krippner initially agreed, but then later stated that he had to decline at this time, but would think about it and give his answer at the next Board meeting.

It was decided that this item would be brought back to the next meeting in January for further discussion.

- D. Consider Approving and Confirming Attendance to the Independent Special Districts of Orange County (ISDOC) Meeting on January 27, 2011.

GM Nordbak confirmed everyone's attendance and asked everyone to meet at the District office at 11 A.M. if they wished to ride in the District van.

A motion was made by Director Diep, seconded by Director Cobo to approve and confirm attendance to the ISDOC meeting. The motion was approved by the following vote:

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

- E. Discuss Hiring Washington D.C. Lobbyist James McConnell.

President Rice stated that Mr. James McConnell had come to speak to her at the City, and explained exactly what he does, his fees for doing so, and said that she and Director Diep were extremely impressed by him and what he has been able to accomplish for the City of Westminster.

B.J. Savage, retired Deputy Chief of Police for the City of Westminster, asked to speak on behalf of, and highly recommended Mr. McConnell even though he has never met him. He encouraged the Board to hire Mr. McConnell because he has an excellent reputation and track record of getting funding for the City. Mr. Savage also commended GM Nordbak and AGM Robins on their remarkable turnaround time on the Bushard loss.

Director Neugebauer, spoke against hiring a lobbyist at this time as earmarks are being removed and recommended that the Board continue this item for further study. She questioned whether for the cost (over \$50,000.00 a year) for this service, the District could add a person to staff to write grant applications with information on availability of grants from OCSD and CASA. She stated that she feels very strongly that this is a very big gamble and recommended that the Board continue and study this item. She questioned whether someone on staff could not do the same job for much less, or that the Board could use the lobbyists that work for CASA or OCSD.

President Rice stated that she felt very positive about what Mr. McConnell could accomplish for the District due to his track record and what he has accomplished for the City.

Director Neugebauer again recommended that this item be continued and studied further. She stated that she did not mind gambling with her own money, but did not feel comfortable gambling with the taxpayer's money.

President Rice stated she did not agree the Board would be gambling with taxpayer money. President Rice let the Board know that Mr. McConnell has proven himself and has brought a lot of money into the City of Westminster for projects such as the new theater with banquet room and the flood control channels.

Director Neugebauer asked for some more examples of some of the projects that have been funded by money that was received.

Director Diep pointed out that \$250,000 was received to help to continue to run the police substation in Little Saigon which continues to investigate and crack down on Asian criminal enterprise in the City. He also explained that the lobbyists that work for CASA and OCSD would not have the District's personal interests in mind. Director Diep also admitted that he was skeptical about hiring a lobbyist in the past, but after seeing the results Mr. McConnell has achieved, has changed his mind. He also added that it would be in the Boards best interests to have an escape (cancellation) clause written into the contract.

Legal counsel was asked to write up a cancellation clause to go along with Mr. McConnell's proposal, since Mr. McConnell would be in town next week.

GM Nordbak reminded the Board that the District's fleet needs to be replaced by the year 2015 and Mr. McConnell's proposal refers to possible funding.

Director Neugebauer asked again if it was not more feasible to have someone on staff do the grant writing, or to hire a grant writer for the District. She again spoke out against the motion to hire Mr. McConnell for the District and reminded the Board that the City of Westminster had their own personal grant writer for many years. Director Neugebauer stated that she will not support the motion for the District to hire a lobbyist in this economy, with the political scene the way it is in Washington at this time, and that is it too much of a risk and uncertainty for her to support without further study.

A motion was made by Director Diep, seconded by Director Cobo to direct legal counsel to draft a contract with James McConnell for federal lobbying services with a cancellation or escape clause to be brought to the next Board meeting for consideration. The motion was approved by the following vote:

AYES: Directors Diep, Cobo and Rice  
NOES: Directors Krippner and Neugebauer

F. Dispose of (Sell) One District Owned Vehicle (i.e. “(refuse collection vehicle)”).

GM Nordbak reported that the 15<sup>th</sup> truck in the District’s fleet puts the District in a different category for state and federal emissions compliance. The dump truck in question has only been used twice in two years to haul scrap metal. The District maintains, insures and registers the vehicle. The truck would be disposed of at public auction.

A motion was made by Director Neugebauer, seconded by Director Diep to follow staff’s recommendation to sell one District Owned Vehicle at auction. The motion was approved by the following vote:

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

**BOARD CONCERNS/COMMENTS**

Director Neugebauer stated that she had received information from CSDA regarding the free ethics training being offered when renewing your membership, which the District has done.

GM Nordbak confirmed that the District had also received the same information and, in fact, were providing the information to Directors Krippner, Diep, and Finance Director Robert Housley at this meeting.

**GENERAL COUNSEL CONCERNS/COMMENTS**

None

**GM/STAFF CONCERNS/COMMENTS**

GM Nordbak pointed out that the Conflict of Interest Form 700 had been provided for each Board member to be filled out, signed and returned to Danielle at the District before the end of the month.

He also provided a copy of an article from the Orange County Register called “What Becomes of all those Christmas trees?”

GM Nordbak provided the Board with a copy of the Public Records Request (second one) from Mr. William De La Garza, as well as the District’s response to that request.

President Rice asked if Mr. De La Garza was made aware that the Board had made the decision last year to lower their own personal payments for meetings by \$50 each.



GM Nordbak explained that he had only provided the information that was requested, but that he would follow up with President Rice's request and send Mr. De La Garza an email the following morning.

President Rice stated that she would like a press release put in the local papers to let the public know of the reorganization of the Board and her position as President.

GM Nordbak reminded the Board of the CASA conference in Indian Wells next week.

AGM Robbins asked who would be riding in the District van to go to the CASA conference so that he could organize picking everyone up on time.

GM Nordbak finished by letting the Board know that Finance Director Housley would be out for the rest of the week because he is going to his son's graduation from Marine boot camp in South Carolina.

## **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**

## **ADJOURNMENT**

President Rice adjourned the meeting at approximately 4:56 P.M.

---

Joy Neugebauer, Secretary

**HAPPY BIRTHDAY PRESIDENT RICE!**